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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 445**

**EXITING THE EUROPEAN UNION  
FORESTRY  
SEEDS**

**The Seed, Plant Propagating Material and  
Forest Reproductive Material (EU Exit)  
(Scotland) (Amendment etc.) Regulations 2020**

*Made* - - - - *at 10.56 a.m. on*  
*Laid before the Scottish* *18th December 2020*  
*Parliament* - - - - *at 3.45 p.m. on 18th*  
*December 2020*

*Coming into force in accordance with regulation 1(1)*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1), paragraph 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018(2) and all other powers enabling them to do so.

In accordance with paragraph 4(a) of schedule 2 of the European Union (Withdrawal) Act 2018, they have consulted with the Secretary of State.

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- (1) [1972 c.68](#) (“the 1972 Act”). The 1972 Act was repealed by section 1 of the European Union (Withdrawal) Act [2018 \(c.16\)](#) (“the 2018 Act”) with effect from exit day (see section 20 of the 2018 Act), but saved, subject to modifications, until IP completion day by section 1A of that Act. Section 1A of the 2018 Act was inserted by the European Union (Withdrawal Agreement) Act [2020 \(c.1\)](#) (“the 2020 Act”), and defines “IP completion day” by reference to section 39(1) to (5) of the 2020 Act. Section 2(2) was amended by the Scotland Act [1998 \(c.46\)](#) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act [2008 \(c.7\)](#) (“the 2008 Act”), section 3(3) and schedule 1, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (2) [2018 c.16](#).

## PART 1

### Introduction

#### Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 and come into force as follows—

- (a) as regards this Part, Part 2 and Part 4, on 31 December 2020,
  - (b) as regards Part 3, immediately before IP completion day.
- (2) These Regulations extend to Scotland only.

## PART 2

### Amendment of References in Secondary Legislation

#### The Vegetable Seeds Regulations 1993

2. In regulation 3(1) (interpretation) of the Vegetable Seeds Regulations 1993(3), in the definition of “[Directive 2001/18/EC](#)”, for “Directive (EU) 2015/412” substitute “Regulation (EU) 2019/1381(4)”.

#### The Oil and Fibre Plant Seed (Scotland) Regulations 2004

3. In regulation 2(1) (interpretation) of the Oil and Fibre Plant Seed (Scotland) Regulations 2004(5), in the definition of—

- (a) “the 2001 Deliberate Release Directive”, for “Directive (EU) 2015/412” substitute “Regulation (EU) 2019/1381(6)”,
- (b) “Equivalence Decision”, for “2018/1674” substitute “2020/1544(7)”,
- (c) “the Food and Feed Regulation”, at the end insert “, as last amended by Regulation (EU) 2019/1381(8)”,
- (d) “Oil and Fibre Plant Seed Directive”, at the end insert “, as last amended by Commission Implementing Directive (EU) 2020/177(9)”.

#### The Cereal Seed (Scotland) Regulations 2005

4.—(1) The Cereal Seed (Scotland) Regulations 2005(10) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of—

- (a) “the 2001 Deliberate Release Directive”, for “Directive (EU) 2015/412” substitute “Regulation (EU) 2019/1381(11)”,

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(3) [S.I. 1993/2008](#), as relevantly amended by [S.S.I. 2019/59](#).

(4) OJ L 231, 6.9.2019, p.1.

(5) [S.S.I. 2004/317](#), as relevantly amended by [S.S.I. 2016/434](#) and [S.S.I. 2019/59](#).

(6) OJ L 231, 6.9.2019, p.1.

(7) OJ L 356, 26.10.2020, p.5.

(8) OJ L 231, 6.9.2019, p.1.

(9) OJ L 41, 13.2.2020, p.1.

(10) [S.S.I. 2005/328](#), as last relevantly amended by [S.S.I. 2019/59](#).

(11) OJ L 231, 6.9.2019, p.1.

- (b) “Equivalence Decision”, for “2018/1674” substitute “2020/1544(12)”,
  - (c) “the Food and Feed Regulation”, for the words “(EC) No 298/2008” to the end substitute “(EU) 2019/1381(13)”.
- (3) In schedule 9 (definition of Cereal Seed Directive), at the end of the table insert—

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“Commission Implementing Directive (EU) OJ L 41, 13.2.2020, p.1”.  
2020/177

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

5. In regulation 2(1) (interpretation) of the Fodder Plant Seed (Scotland) Regulations 2005(14), in the definition of—

- (a) “the 2001 Deliberate Release Directive”, for “Directive (EU) 2015/412” substitute “Regulation (EU) 2019/1381(15)”,
- (b) “Equivalence Decision”, for “2018/1674” substitute “2020/1544(16)”,
- (c) “the Fodder Plant Seed Directive”, at the end insert “, as last amended by Commission Implementing Directive (EU) 2020/177(17)”,
- (d) “the Food and Feed Regulation”, for the words “(EC) No 298/2008” to the end substitute “(EU) 2019/1381(18)”.

### **The Beet Seed (Scotland) (No. 2) Regulations 2010**

6. In regulation 2(1) (interpretation) of the Beet Seed (Scotland) (No. 2) Regulations 2010(19), in the definition of—

- (a) “the 2001 Deliberate Release Directive”, for “Directive (EU) 2015/412” substitute “Regulation (EU) 2019/1381(20)”,
- (b) “Equivalence Decision”, for “2018/1674” substitute “2020/1544(21)”,
- (c) “the Food and Feed Regulation”, at the end insert “, as last amended by Regulation (EU) 2019/1381(22)”.

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

7. In regulation 2(1) (interpretation) of the Seed Potatoes (Scotland) Regulations 2015(23), in the definition of—

- (a) “Commission Implementing Directive 2014/21/EU”, at the end insert “, as last amended by Commission Implementing Directive (EU) 2020/177(24)”,

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(12) OJ L 356, 26.10.2020, p.5.

(13) OJ L 231, 6.9.2019, p.1.

(14) S.S.I. 2005/329, as relevantly amended by S.S.I. 2017/384 and S.S.I. 2019/59.

(15) OJ L 231, 6.9.2019, p.1.

(16) OJ L 356, 26.10.2020, p.5.

(17) OJ L 41, 13.2.2020, p.1.

(18) OJ L 231, 6.9.2019, p.1.

(19) S.S.I. 2010/148, as relevantly amended by S.S.I. 2019/59.

(20) OJ L 231, 6.9.2019, p.1.

(21) OJ L 356, 26.10.2020, p.5.

(22) OJ L 231, 6.9.2019, p.1.

(23) S.S.I. 2015/395, as relevantly amended by S.S.I. 2016/434.

(24) OJ L 41, 13.2.2020, p.1.

- (b) “Council [Directive 2002/56/EC](#)”, at the end insert “, as last amended by Commission Implementing Directive (EU) 2020/177(25)”,
- (c) “[Directive 2001/18/EC](#)”, at the end insert “, as last amended by Regulation (EU) 2019/1381(26)”,
- (d) “Regulation 1829/2003”, at the end insert “, as last amended by Regulation (EU) 2019/1381(27)”.

### **The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017**

8. In regulation 2(1) (interpretation) of the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017(28), in the definition of—

- (a) “Council [Directive 2008/90/EC](#)”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2019/120(29)”,
- (b) “Commission Implementing [Directive 2014/96/EU](#)”, at the end insert “, as last amended by Commission Implementing Directive (EU) 2019/1813(30)”,
- (c) “Commission Implementing [Directive 2014/98/EU](#)”, at the end insert “, as last amended by Commission Implementing Directive (EU) 2020/177(31)”,
- (d) “[Directive 2001/18/EC](#)”, at the end insert “, as last amended by Regulation (EU) 2019/1381(32)”,
- (e) “Regulation (EC) No 1829/2003”, at the end insert “, as last amended by Regulation (EU) 2019/1381(33)”.

## **PART 3**

### **Amendment of Secondary Legislation Relating to Withdrawal from the European Union**

#### **The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019**

9. The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019(34) are amended in accordance with regulations 10 to 18.

#### **Amendments relating to the Vegetable Seeds Regulations 1993**

10.—(1) Regulation 9 (the Vegetable Seeds Regulations 1993) is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (a)—

(i) after head (i) insert—

“(ia) in the definition of “Amateur Variety”, for “the National List” substitute “a GB Variety List or an NI Variety List”,”

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(25) OJ L 41, 13.2.2020, p.1.

(26) OJ L 231, 6.9.2019, p.1.

(27) OJ L 231, 6.9.2019, p.1.

(28) [S.S.I. 2017/177](#), as relevantly amended by [S.S.I. 2019/59](#).

(29) OJ L 24, 28.1.2019, p.27.

(30) OJ L 278, 30.10.2019, p.7.

(31) OJ L 41, 13.2.2020, p.1.

(32) OJ L 231, 6.9.2019, p.1.

(33) OJ L 231, 6.9.2019, p.1.

(34) [S.S.I. 2019/59](#), as amended by [S.S.I. 2019/190](#) and [S.S.I. 2019/289](#).

- (ii) for head (ii) substitute—
- “(ii) in the definition of “breeder”, in sub-paragraph (a), for the words “the National List or the Common Catalogue” substitute “a GB Variety List, an NI Variety List or an equivalent list in a country granted equivalence”,”
- (iii) after head (ii) insert—
- “(iia) omit the definition of “Common Catalogue”,
- (iib) in the definition of “Conservation Variety”, for “the National List” substitute “a GB Variety List or an NI Variety List”,”
- (iv) in head (iii)—
- (aa) for the definition of “country granted equivalence” to be inserted substitute—
- ““country granted equivalence” means a country that has been—
- (a) granted equivalence under the Equivalence Decision; or
- (b) assessed by Scottish Ministers as producing the species of seed referred to in regulation 4 under conditions equivalent to those required by these Regulations;”
- (bb) for ““the Feed and Food Regulation”” to the end substitute—
- ““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”
- (v) after head (iii) insert—
- “(iia) after the definition of “the EU Plant Health Regulation” insert—
- ““the Food and Feed Regulation” means Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed(35);”,”
- (vi) for head (iv) substitute—
- “(iv) after the definition of “genetically modified” insert—
- ““the GMO Regulations” means—
- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002(36);
- (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002(37);
- (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002(38);
- (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(39);
- “GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;

(35) OJ L 268, 18.10.2003, p.1, as last amended by Regulation (EU) 2019/1381 (OJ L 231, 6.9.2019, p.1).

(36) S.S.I. 2002/541, as amended by S.S.I. 2004/439, S.I. 2011/1043, S.S.I. 2015/100, S.S.I. 2019/57 and S.S.I. 2019/86.

(37) S.I. 2002/2443, as amended by S.I. 2004/2411, S.I. 2005/2759, S.I. 2009/1892, S.I. 2011/1043, S.I. 2018/575, S.I. 2019/88, S.I. 2019/759 and S.I. 2019/1252.

(38) S.I. 2002/3188 (W. 304), as amended by S.I. 2005/1913 (W. 156), S.I. 2005/2759, S.I. 2011/1043, S.I. 2013/755 (W. 90), S.I. 2018/1216 (W. 249), S.I. 2019/379 (W. 94), S.I. 2019/463 (W. 111), S.I. 2019/1316 (W. 228) and S.I. 2019/1492 (W. 271).

(39) S.R. 2003 No. 167 as amended by S.I. 2011/1043, S.R. 2018 No. 188, S.I. 2019/190, S.R. 2019 No. 223 and S.I. 2019/759.

“GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation;

“GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001(40);

“International Authority” means a GB Authority, the NI Authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority” means—

- (a) by or on behalf of a GB Authority;
- (b) by or on behalf of the NI Authority; or
- (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”,

(vii) for head (v) substitute—

“(v) in the definition of “maintainer”, for “a National List or in the Common Catalogue” and “the National List or the Common Catalogue” where they occur substitute “a GB Variety List, an NI Variety List or an equivalent list in a country granted equivalence””,

(viii) for head (vi) substitute—

“(vi) in the definition of “maintenance”, for “a National List of the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,

(via) omit the definition of “National List”,

(vib) before the definition of “official certificate” insert—

““NI Authority” means DAERA;

“NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001(41)

(ix) for head (vii) substitute—

“(vii) in the definition of “official post control”—

(aa) in the words before sub-paragraph (a), for “European” substitute “International”,

(bb) in sub-paragraph (a), for the words “a European” in both places they occur substitute “an International”,

(cc) omit sub-paragraph (b),

(viia) for the definition of “protected zone quarantine pest” substitute—

““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation;”,

(x) for head (viii) substitute—

“(viii) in the definition of “region of origin”—

(aa) for “the United Kingdom” substitute “Great Britain”,

(bb) at the end insert—

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(40) S.I. 2001/3510, last amended by S.I. 2020/579.

(41) S.I. 2001/3510, last amended by S.I. 2020/579.

- “, with Article 8.1 of that Directive being read as if—
- (a) in the first sub-paragraph—
    - (i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”,
    - (ii) for “it shall”, there were substituted “they must”,
    - (iii) for “It shall”, there were substituted “The Scottish Ministers must”,
    - (iv) for “Member States”, there were substituted “Scottish Ministers”,
  - (b) the second sub-paragraph was omitted;”,
- (xi) for head (ix) substitute—
- “(ix) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,
  - (x) omit the definition of “Union quarantine pest””,
- (b) for sub-paragraph (b) substitute—
- “(b) in paragraphs (3A), (3B) and (3C)—
    - (i) in each sub-paragraph (a), for “an EEA state” substitute “a country”,
    - (ii) in each sub-paragraph (b) and (c), for “EEA state” substitute “country”.”.
- (3) In paragraph (3), in the regulation 4(2) to be inserted, for “the United Kingdom” substitute “Great Britain”.
- (4) In paragraph (4)—
- (a) for sub-paragraph (a) substitute—
    - “(a) in paragraph (1)—
      - (i) in the words before sub-paragraph (a)—
        - (aa) for “a National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,
        - (bb) for “the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,
      - (ii) in sub-paragraph (b)—
        - (aa) in the words before head (i), for “an EEA State” substitute “a country”,
        - (bb) in head (ii), for “an EEA State” substitute “a country other than the United Kingdom”,
      - (iii) in sub-paragraph (bb), for “an EEA state” substitute “a country”,
      - (iv) in sub-paragraph (c), for “elsewhere than in an EEA state” substitute “outside the United Kingdom””,
  - (b) in sub-paragraph (b), in the new paragraph (2D)(a) to be inserted, for “exit” substitute “IP completion”,
  - (c) for sub-paragraph (d) substitute—
    - “(d) in paragraph (4A)—
      - (i) omit “, by reason only of article 3(1)(a) of Council [Directive 70/457/EEC](#)”,
      - (ii) for “a National List” substitute “a GB Variety List or an NI Variety List””,

- (d) for sub-paragraph (f) substitute—
  - “(f) in paragraph (9A), for “an EEA state” substitute “a country”,”
- (e) for sub-paragraph (i) substitute—
  - “(i) in paragraph (11), for “a National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,”
- (f) for sub-paragraph (j) substitute—
  - “(j) in paragraph (13) for “an EEA state” substitute “a country”,”
- (5) For paragraph (6) substitute—
  - “(6) In regulation 6A(1)(c) (breeder’s confirmations), for the words “the National List” to the end substitute “a GB Variety List or an NI Variety List”.”
- (6) For paragraph (7) substitute—
  - “(7) In regulation 6B (importation from outside the European Union)—
    - (a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,
    - (b) for “outside the European Union” substitute “a country granted equivalence”.”
- (7) In paragraph (8)(b), for “Communities” substitute “European Union”.
- (8) In paragraph (9), for “Community” substitute “European Union”.
- (9) In paragraph (10)—
  - (a) in the new regulation 11A to be inserted, in the heading and the regulation, after “Crown Dependency” insert “or a country granted equivalence”,
  - (b) in the new regulation 11B to be inserted—
    - (i) in the heading and the regulation, for “exit” in each place it occurs substitute “IP completion”,
    - (ii) for “two years” substitute “twelve months”.
- (10) For paragraph (11) substitute—
  - “(11) In schedule 4 (requirements for Basic Seed, Certified Seed, Certified Seed of a Conservation Variety, Standard Seed, Standard Seed of a Conservation Variety and Standard Seed of an Amateur Variety)—
    - (a) in Part I (Basic Seed and Certified Seed)—
      - (i) in paragraph 2 (varietal identity and varietal purity)—
        - (aa) in sub-paragraph (a), for “the National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,
        - (bb) in sub-paragraph (b), for the words “the National List” until the end substitute “a GB Variety List or an NI Variety List”.
      - (ii) in paragraph 4 (crop health)—
        - (aa) for “Union” substitute “GB”,
        - (bb) for “protected zone” substitute “PFA”,
    - (b) in Part II (basic seed, certified seed and standard seed conditions relating to the seeds), in paragraph 3(b)—
      - (i) for “Union” substitute “GB”,
      - (ii) for “protected zone” substitute “PFA”.”
- (11) In paragraph (12)—



- (a) in sub-paragraph (b)—
  - (i) in head (i), for “UK” substitute “GB”,
  - (ii) for head (iii) substitute—
    - “(iii) in point 11(a), for “a National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,
- (b) after sub-paragraph (b) insert—
  - “(ba) in Part I(C)(b) (official label for a Package of Seed not Finally Certified: information required for the document), in point 5, for “UK” in each place it occurs substitute “GB”,
- (c) in sub-paragraphs (c), (d), (e), (f) and (g), for “UK” substitute “GB”,
- (d) after sub-paragraph (e) insert—
  - “(ea) in Part IV (information in respect of seeds imported from third countries in packages more than 2 kilograms in Net weight), in the heading, for “third countries” substitute “countries outside the United Kingdom”,

#### **Amendments relating to the Marketing of Vegetable Plant Material Regulations 1995**

**11.**—(1) Regulation 10 (the Marketing of Vegetable Plant Material Regulations 1995) is amended as follows.

- (2) After paragraph (2) insert—
  - “(2A) In regulation 4A (plant material from outside the European Union: authorisation)  
—
    - (a) in the heading, for “European Union” substitute “United Kingdom”,
    - (b) in paragraph (1), for “European Union” substitute “United Kingdom”.”
- (3) For paragraph (3) substitute—
  - “(3) In regulation 5 (quality requirements for plant material)—
    - (a) in paragraph (1)(d)—
      - (i) for “Union” substitute “GB”,
      - (ii) for “protected zone” substitute “PFA”,
    - (b) in paragraph (2)—
      - (i) after the definition of “the EU Plant Health Regulation” insert—
        - ““GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation,”
      - (ii) in the definition of “protected zone quarantine pest”—
        - (aa) for “protected zone” substitute “PFA”,
        - (bb) for “protected zones” substitute “GB pest free areas”,
      - (iii) in the definition of “RNQP”—
        - (aa) for “Union” in each place it occurs substitute “GB”,
        - (bb) for “Regulation, and” substitute “Regulation.”.”
  - (4) Omit paragraph (4).

### **Amendments relating to the Marketing of Ornamental Plant Propagating Material Regulations 1999**

**12.**—(1) Regulation 11 (the Marketing of Ornamental Plant Propagating Material Regulations 1999) is amended as follows.

- (2) In paragraph (2)(a), omit ““Directive 2000/29/EC””,
- (3) After paragraph (3), insert—
  - “(3A) In regulation 4 (quality requirements for propagating material)—
    - (a) in paragraph (1)(d)—
      - (i) for “Union” substitute “GB”,
      - (ii) for “protected zone” substitute “PFA”,
    - (b) in paragraph (2)—
      - (i) after the definition of “the EU Plant Health Regulation” insert—
        - ““GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation,”,
      - (ii) for the definition of “protected zone quarantine pest” substitute—
        - ““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation,”,
      - (iii) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,
      - (iv) omit the definition of “Union quarantine pest”.
- (4) Omit paragraphs (4) and (5).
- (5) For paragraph (6)(a) substitute—
  - “(a) in sub-paragraph (a), for “Community plant variety rights pursuant to Regulation 2100/94 or national” substitute “UK”.
- (6) In paragraph (7)—
  - (a) in sub-paragraph (b)(i), for “into the United Kingdom” substitute “produced in a country outside of the United Kingdom”,
  - (b) in sub-paragraph (d), in the new paragraph (5) to be inserted by that paragraph, omit new sub-paragraph (a).

### **Amendments relating to the Oil and Fibre Plant Seed (Scotland) Regulations 2004**

**13.**—(1) Regulation 12 (the Oil and Fibre Plant Seed (Scotland) Regulations 2004) is amended as follows.

- (2) In paragraph (2)—
  - (a) for sub-paragraph (b) substitute—
    - “(b) in the definition of “blended seed lot”—
      - (i) omit “or Annex I (crop conditions) of the Oil and Fibre Plant Seed Directive”,
      - (ii) for “National Authority” substitute “GB Authority or the NI Authority”.
  - (b) for sub-paragraph (c) substitute—
    - “(c) in the definition of “breeder”—

- (i) in sub-paragraph (a), for “UK National List or the Common Catalogue” substitute “GB Variety List, an NI Variety List or the equivalent list in a country granted equivalence”,
  - (ii) in sub-paragraph (b), for “UK National List or in the Common Catalogue” and “UK National List or Common Catalogue” substitute “GB Variety List, NI Variety List or equivalent list in a country granted equivalence”,
- (c) for sub-paragraph (d) substitute—
  - “(d) in the definition of “bulked seed lot”—
    - (i) in sub-paragraph (a)(iii), omit “or Annex I (crop conditions) of the Oil and Fibre Plant Seed Directive”,
    - (ii) in sub-paragraph (b), for “National Authority” substitute “GB Authority or the NI Authority”,
- (d) for sub-paragraph (e) substitute—
  - “(e) omit the definitions of “Common Catalogue” and “the Common Catalogue Directive”,
  - (ea) in the definition of “Conservation Variety”, for “UK National List” substitute “GB Variety List or an NI Variety List”,
- (e) for sub-paragraph (f) substitute—
  - “(f) in the definition of “control plot”, for “European Authority” in both places it occurs substitute “GB Authority or the NI Authority”,
- (f) in sub-paragraph (g), for the definition of “country granted equivalence” to be inserted substitute—
  - ““country granted equivalence” means a country that has been—
    - (a) granted equivalence under the Equivalence Decision; or
    - (b) assessed by Scottish Ministers as producing the species of seed referred to in regulation 5 under conditions equivalent to those required by these Regulations;”,
- (g) after sub-paragraph (g) insert—
  - “(ga) for the definition of “Department of Agriculture and Rural Development” substitute—
    - ““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,
- (h) for sub-paragraph (h) substitute—
  - “(h) omit the definition of “EEA State”,
- (i) for sub-paragraph (i) substitute—
  - “(i) omit the definitions of “European Authority” and “by a European Authority”,
- (j) omit sub-paragraph (j),
- (k) for sub-paragraph (k) substitute—
  - “(k) in the definition of “fully certified”—
    - (i) in sub-paragraph (b), for “European” substitute “International”,
    - (ii) in the text after sub-paragraph (b), for the words “in Annexes I” to the end substitute “schedule 4;”,

(l) for sub-paragraph (l) substitute—

“(l) after the definition of “genetically modified” insert—

““the GMO Regulations” means—

- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002(42);
- (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002(43);
- (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002(44);
- (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(45);

“GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;

“GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation;

“GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001(46);”,

(la) after the definition of “inbred line” insert—

““International Authority” means a GB Authority, the NI Authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority” means—

- (a) by or on behalf of a GB Authority;
- (b) by or on behalf of the NI Authority; or
- (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”,

(lb) in the definitions of “licensed crop inspector”, “licensed seed sampler” and “licensed seed testing station”, for sub-paragraph (b) substitute—

“(b) granted under provisions equivalent to that regulation by—

- (i) a GB Authority other than the Scottish Ministers; or
- (ii) the NI Authority;”,

(m) for sub-paragraph (m) substitute—

“(m) omit the definition of “licensed EC crop inspector”,

(n) omit the definition of “National Authority”,

(o) before the definition of “official certificate” insert—

““NI Authority” means DAERA;

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(42) S.S.I. 2002/541, as amended by S.S.I. 2004/439, S.I. 2011/1043, S.S.I. 2015/100, S.S.I. 2019/57 and S.S.I. 2019/86.

(43) S.I. 2002/2443, as amended by S.I. 2004/2411, S.I. 2005/2759, S.I. 2009/1892, S.I. 2011/1043, S.I. 2018/575, S.I. 2019/88, S.I. 2019/759 and S.I. 2019/1252.

(44) S.I. 2002/3188 (W. 304), as amended by S.I. 2005/1913 (W. 156), S.I. 2005/2759, S.I. 2011/1043, S.I. 2013/755 (W. 90), S.I. 2018/1216 (W. 249), S.I. 2019/379 (W. 94), S.I. 2019/463 (W. 111), S.I. 2019/1316 (W. 228) and S.I. 2019/1492 (W. 271).

(45) [S.R. 2003 No. 167 as amended by S.I. 2011/1043, S.R. 2018 No. 188, S.I. 2019/190, S.R. 2019 No. 223 and S.I. 2019/759.

(46) S.I. 2001/3510, last amended by S.I. 2020/579.

- “NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001(47);”,
- (p) in the definition of “official field inspection”—
    - (i) in sub-paragraph (i), for “European Authority” substitute “a GB Authority or the NI Authority or an International Authority”,
    - (ii) in sub-paragraph (ii), omit the words “or a licensed EC crop inspector”,
  - (q) in the definition of “official label” for “a European Authority” substitute “an International Authority”,
  - (r) in the definition of “official post control”, for “the relevant European Authority” substitute “an International Authority”,
  - (s) in the definition of “official post control the results of which have been satisfactory”—
    - (i) for “the relevant European Authority” substitute “an International Authority”,
    - (ii) for sub-paragraph (a)(ii) substitute—
      - “(ii) in the case of a GB Authority other than the Scottish Ministers, Parts I and II of schedule 4;”,
  - (t) after the definition of “Oil and Fibre Plant Seed Directive” insert—
    - ““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation;”,
  - (u) omit the definition of “protected zone quarantine pest”,
  - (v) for the definition of “registered or licensed number” substitute—
    - ““registered or licensed number” means the number issued to a person who holds a licence granted under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or to a person licensed or registered under provisions equivalent to that regulation by—
      - (a) a GB Authority other than the Scottish Ministers; or
      - (b) the NI Authority;”,
  - (w) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,
  - (x) for the definition of “third country” substitute—
    - ““third country” means any country or territory other than the British Islands;”,
  - (y) omit the definition of “Union quarantine pest”.”.
- (3) In paragraph (3)—
- (a) for sub-paragraph (a) substitute—
    - “(a) in the definition of “Pre-basic Seed”, for paragraph (c) substitute—
      - “(c) has been—
        - (i) officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a) or (b) and the requirements for Basic Seed specified in schedule 4; or

- (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) or (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom;”,”,
- (b) for sub-paragraph (b) substitute—
  - “(b) in the definition of “Basic Seed”, for paragraph (d) substitute—
    - “(d) has been—
      - (i) officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a), (b) or (c) and the requirements for Basic Seed specified in schedule 4; or
      - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a), (b) or (c) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom;”,”,
- (c) for sub-paragraph (c) substitute—
  - “(c) in the definition of “Certified Seed”, for paragraph (c) substitute—
    - “(c) has been—
      - (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed specified in schedule 4; or
      - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed in the relevant part of the United Kingdom;”,”,
- (d) for sub-paragraph (d) substitute—
  - “(d) in the definition of “Certified Seed of the First Generation”, for paragraph (c) substitute—
    - “(c) has been—
      - (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation specified in schedule 4; or
      - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the First Generation in the relevant part of the United Kingdom;”,”,
- (e) for sub-paragraph (e) substitute—
  - “(e) in the definition of “Certified Seed of the Second Generation”—
    - (i) for paragraph (a)(iii) substitute—
      - “(iii) has been—
        - (aa) officially certified as satisfying the conditions specified in sub-paragraphs (i) and (ii) and the requirements for Certified Seed of the Second Generation specified in schedule 4; or

- (bb) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in sub-paragraphs (i) and (ii) and the applicable requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom;”,
  - (ii) for paragraph (b)(iii) substitute—
    - “(iii) has been—
      - (aa) officially certified as satisfying the conditions specified in sub-paragraphs (i) and (ii) and the requirements for Certified Seed of the Second Generation specified in schedule 4; or
      - (bb) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in sub-paragraphs (i) and (ii) and the applicable requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom;”,
  - (f) for sub-paragraph (f) substitute—
    - “(f) in the definition of “Certified Seed of the Third Generation”, for paragraph (c) substitute—
      - “(c) has been—
        - (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Third Generation specified in schedule 4; or
        - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the Third Generation in the relevant part of the United Kingdom;”,
  - (g) for sub-paragraph (g) substitute—
    - “(g) in the definition of “Commercial Seed”, for paragraph (b) substitute—
      - “(b) has been—
        - (i) officially certified as satisfying the conditions specified in paragraph (a) and the requirements for Commercial Seed specified in schedule 4; or
        - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraph (a) and the applicable requirements for Commercial Seed in the relevant part of the United Kingdom;”.
- (4) In paragraph (5)—
  - (a) for sub-paragraph (a) substitute—
    - “(a) in paragraph (1)(b)(ii), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
    - (aa) in paragraph (2)(b)(i), omit “or Annex I (crop conditions) of the Oil and Fibre Plant Seed Directive”,
    - (ab) in paragraph (3), for “a European” substitute “an International””,
  - (b) omit sub-paragraph (c).

- (5) For paragraph (6) substitute—
- “(6) In regulation 6A (importation from outside the European Union)—
- (a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,
- (b) for “outside the European Union” substitute “a country granted equivalence”.”.
- (6) In paragraph (7)—
- (a) in sub-paragraph (a), for the new paragraph 1(b) to be inserted substitute—
- “(b) an authorisation has been granted to the producer, in respect of small quantities of seed for scientific purposes or selection work in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
- (i) a GB Authority other than the Scottish Ministers; or
- (ii) the NI Authority.”,
- (b) in sub-paragraph (b), in the new paragraph (4)(a) to be inserted, for “exit” substitute “IP completion”.
- (7) In paragraph (8)—
- (a) in sub-paragraph (a), for the new paragraph (1)(b) to be inserted substitute—
- “(b) an authorisation which has been granted to the producer, in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
- (i) a GB Authority other than the Scottish Ministers; or
- (ii) the NI Authority.”,
- (b) for sub-paragraph (b) substitute—
- “(b) in paragraph (4)—
- (i) for sub-paragraph (a) substitute—
- “(a) the seed is of a variety for which an application has been made by the applicant, which has not been withdrawn or finally determined, under—
- (i) regulation 4(1)(a) (applications in relation to National Lists) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a GB Variety List; or
- (ii) the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001(48) for acceptance on to an NI Variety List;”,
- (ii) for sub-paragraph (b) substitute—
- “(b) in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—
- (i) before the day on which IP Completion day falls, under Part C of the 2001 Deliberate Release Directive;
- (ii) under the Food and Feed Regulation; or
- (iii) under the GMO Regulations;”,”,



- (c) for paragraph (d) substitute—
  - “(d) in paragraph (9), for “National List” to the end substitute “GB Variety List or an NI Variety List.”,”
- (d) for paragraph (e) substitute—
  - “(e) in paragraph (10), for “name of the Member State” to the end substitute “location of the trials within the United Kingdom.”.”
- (8) In paragraph (9)—
  - (a) in sub-paragraph (a), in the new paragraph (8A) to be inserted, for “the United Kingdom” in each place it occurs substitute “Great Britain”,
  - (b) for sub-paragraph (b)(ii) substitute—
    - “(ii) for the definition of “region of origin” substitute—
      - ““region of origin” means the region forming a part or the whole of Great Britain identified by the Scottish Ministers for the purposes of Article 8.1 of Commission Directive 2008/62, with Article 8.1 of Commission Directive 2008/62 being read as if—
    - (a) in the first sub-paragraph—
      - (i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”;
      - (ii) for “it shall”, there were substituted “they must”;
      - (iii) for “It shall”, there were substituted “The Scottish Ministers must”;
      - (iv) for “Member States”, there were substituted “Scottish Ministers”;
    - (b) the second sub-paragraph was omitted.”.”
- (9) In paragraph (10)—
  - (a) in sub-paragraph (a), in the new paragraph (1)(b)(ii) to be inserted, for sub-heads (aa) and (bb) substitute—
    - “(aa) a GB Authority other than the Scottish Ministers; or
    - (bb) the NI Authority.”,
  - (b) for sub-paragraph (b) substitute—
    - “(b) in paragraph (6), in the definition of “varietal association”, for “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”.”.
- (10) In paragraph (11), for the new paragraph (2) to be inserted substitute—
  - “(2) The Scottish Ministers may exercise the power under paragraph (1)—
    - (a) for the purposes of a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act; or
    - (b) to the extent that the provisions of the general licence are—
      - (i) necessary in order to overcome any temporary difficulties in the supply of basic or certified seed—
        - (aa) by permitting the marketing of seed of a category subject to less stringent requirements, or of seed of a variety not included in a GB Variety List or an NI Variety List;

- (bb) for a specified period; and
- (cc) in quantities necessary to resolve the supply difficulties; or
- (ii) permitted by Commission Regulation 217/2006 or an authorisation granted thereunder.

(2A) The duration of a temporary experiment referred to in paragraph (2)(a) must not exceed 7 years.

(2B) When seed is marketed in accordance with paragraph (2)(b)(i), the following labelling requirements apply—

- (a) for a category of seed of any given variety, the official label must be that provided for the corresponding category;
- (b) for seed of varieties not included in a GB Variety List or an NI Variety List the official label must be that provided for commercial seed;
- (c) the label must always state that the seed in question is of a category satisfying less stringent requirements.”.

(11) In paragraph (12)—

(a) in sub-paragraph (a)—

(i) in head (ii), in the new sub-paragraph (b) to be inserted, for heads (i) and (ii) substitute—

“(i) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain; or

(ii) by the NI Authority, in accordance with the applicable requirements in Northern Ireland; or,”

(ii) in head (iii), in the new sub-paragraph (c)(ii) to be inserted, for sub-heads (aa) and (bb) substitute—

“(aa) by a GB Authority other than the Scottish Ministers, in the applicable requirements in the relevant part of Great Britain, irrespective of the findings of the GB Authority; or

(bb) by the NI Authority, in the applicable requirements in Northern Ireland, irrespective of the findings of the NI Authority.”,

(b) for sub-paragraph (b) substitute—

“(b) in paragraph (3), for the words “the United Kingdom” to the end substitute “Great Britain from a country granted equivalence.”.”.

(12) In paragraph (13)—

(a) for sub-paragraph (a) substitute—

“(a) in paragraph (1)—

(i) in sub-paragraph (a), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,

(ii) for sub-paragraph (b) substitute—

“(b) (i) any seed lot has, in order to make seed rapidly available, been certified by—

(aa) a GB Authority other than the Scottish Ministers;  
or

(bb) the NI Authority; and

- (ii) the provisional germination report on the seed has been presented by the producer to the Scottish Ministers,”,”
- (b) for sub-paragraph (b)(i) substitute—
  - “(i) for “European Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority”,”
- (c) for sub-paragraph (c) substitute—
  - “(c) in paragraph (5), for the words “the United Kingdom” to the end substitute “Great Britain from a country granted equivalence.”.”
- (13) In paragraph (14), for sub-paragraphs (a) to (c) substitute—
  - “(a) in paragraph (3), for “UK National List (or an equivalent list in another EEA State)” in both places where it occurs, substitute “GB Variety List or an NI Variety List”,
  - (b) in paragraph (4)(d) omit—
    - (i) “or licensed EC crop inspector”, and
    - (ii) “, or licensed EC crop inspector’s.”.”
- (14) In paragraph (15), for “National” substitute “International”.
- (15) In paragraph (16)—
  - (a) for sub-paragraph (a) substitute—
    - “(a) for sub-paragraph (1)(b) substitute—
      - “(b) sealed in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”,”
  - (b) for sub-paragraph (b) substitute—
    - “(b) for paragraph (3)(b) substitute—
      - “(b) in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”.”
- (16) In paragraph (17)—
  - (a) for sub-paragraph (a) substitute—
    - “(a) for paragraph (4A)(b) substitute—
      - “(b) where seed is sealed in any part of the United Kingdom other than Scotland, be labelled in accordance with the requirements for labelling applicable to a Conservation Variety in the relevant part of the United Kingdom.”,”
  - (b) for sub-paragraph (b) substitute—
    - “(b) for paragraph (5)(b) substitute—
      - “(b) which is sealed in any part of the United Kingdom other than Scotland will satisfy the applicable requirements in the relevant part of the United Kingdom,”,”
  - (c) for sub-paragraph (c) substitute—
    - “(c) for paragraph (8)(b) substitute—
      - “(b) which is sealed in any other part of the United Kingdom, must contain an official document in accordance with the applicable requirements for official documents and, as the case may be, for labelling of packages of mixtures of seeds, in the relevant part of the United Kingdom.”,”
  - (d) for sub-paragraph (d) substitute—

- “(d) in paragraph (10)—
  - (i) for sub-paragraph (a) substitute—
    - “(a) for packages sealed in—
      - (i) Scotland, the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (12) and (13), are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified;
      - (ii) any other part of the United Kingdom, the appropriate particulars of the matters specified in accordance with the applicable requirements in the relevant part of the United Kingdom, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and”
    - (ii) for sub-paragraph (c) substitute—
      - “(c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed in any other part of the United Kingdom.”
  - (e) in paragraph (14), for “one of the official languages of the European Union” substitute “English but may, in addition, be given in other languages”.

(17) For paragraph (18) substitute—

“(18) In regulation 19(1)(c) (breeder’s confirmations)—

- (a) in head (i), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List”,
- (b) in head (ii), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List”.

(18) In paragraph (21)—

- (a) in the new regulation 25A to be inserted, in the heading and the regulation, after “Crown Dependency” insert “or a country granted equivalence”,
- (b) in the new regulation 25B to be inserted—
  - (i) in the heading and the regulation, for “exit” in each place it occurs substitute “IP completion”,
  - (ii) for “two years” substitute “twelve months”.

(19) In paragraph (22)—

- (a) for sub-paragraph (b) substitute—
  - “(b) for paragraph 4 (applications for seed harvested in an EEA State or third country) substitute—

**“Applications for seed harvested outside the United Kingdom**

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 14(1) for the issue of an official certificate in respect of a seed lot as Pre basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

(2) An official certificate may only be issued under sub-paragraph (1) if—

- (a) the seed has been—
    - (i) produced directly from—
      - (aa) fully certified Basic Seed or Certified Seed of the First Generation; or
      - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed of the First Generation in accordance with these Regulations;
    - (ii) harvested outside the United Kingdom; and
    - (iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of schedule 4 for the relevant category of seed;
  - (b) the seed has been—
    - (i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations;
    - (ii) harvested outside the United Kingdom; and
    - (iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, to have satisfied the conditions specified in Part II of schedule 4 for the relevant category of seed; or
  - (c) the seed—
    - (i) is to be certified by the Scottish Ministers as Basic Seed;
    - (ii) has been produced directly from—
      - (aa) fully certified Pre-basic Seed; or
      - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Pre-basic Seed in accordance with these Regulations;
    - (iii) has been harvested outside the United Kingdom; and
    - (iv) has been shown on official examination, or, in the case of seed certified in a country granted equivalence, to have satisfied the conditions specified in Part II of schedule 4 for the relevant category of seed.
- (3) In the case of seed which has been harvested in a country granted equivalence, an official certificate may only be issued under sub-paragraph (1) provided that—

- (a) the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Part 1 of schedule 4 (crop standards); and
  - (b) has been packed in a sealed package in accordance with the requirements of regulation 16 (sealing of packages of fully certified seed and has been labelled in accordance with the requirements of regulation 17 (labelling of packages of fully certified seed) and schedule 6.”.”.
- (20) For paragraph (23) substitute—
  - “(23) In schedule 4 (requirements for Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation and Commercial Seed)—
    - (a) in Part I (conditions relating to crops from which seed other than commercial seed is obtained)—
      - (i) in paragraph 2 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”,
      - (ii) in paragraph 4 (pests in the crop)—
        - (aa) for “Union” substitute “GB”,
        - (bb) for “protected zone” substitute “PFA”,
    - (b) in Part II (conditions relating to Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation and Commercial Seed), in paragraph 15 (pests in the seed)—
      - (i) for “Union” substitute “GB”,
      - (ii) for “protected zone” substitute “PFA”.”.
- (21) For paragraph (24)(a) substitute—
  - “(a) in Part III (conditions relating to crops from which seed is obtained), in paragraph 1 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”.”.
- (22) In paragraph (25)—
  - (a) in sub-paragraph (b)—
    - (i) in head (i)—
      - (aa) for “sub-paragraph” substitute “head”,
      - (bb) for “UK” substitute “GB”,
    - (ii) in head (ii), for “sub-paragraph” substitute “head”,
    - (iii) for head (iii) substitute—
      - “(iii) in heads (xi) and (xii), for “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,”,
  - (b) in sub-paragraph (c), for “UK” substitute “GB”,
  - (c) for sub-paragraph (d) substitute—
    - “(d) in paragraph 6A(a) (official label for a package of test and trial seed)—
      - (i) in head (ii), for “EEA State or their distinguishing abbreviation”, substitute “country or country initials”,
      - (ii) for head (vii) substitute—

- “(vii) the official application number in relation to the application for listing under—
  - (aa) in relation to applications in GB, regulation 4(1)(a) (applications in relation to GB Variety Lists) of the Seeds (National List of Varieties) Regulations 2001; or
  - (bb) in relation to applications in Northern Ireland, the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001(49) for acceptance on to an NI Variety List;”,
- (d) for sub-paragraph (e) substitute—
  - “(e) in paragraph 6B(1)(a)(i) (official label for a package of seed of a Conservation Variety), for “EC” substitute “GB”;
- (e) in sub-paragraph (f)—
  - (i) in head (i)—
    - (aa) for “sub-paragraph” substitute “head”,
    - (bb) for “UK” substitute “GB”,
  - (ii) in head (ii), for “sub-paragraph” substitute “head”,
  - (iii) after head (ii) insert—
    - “(iii) in head (xi), for “National Authority” substitute “GB Authority”;
- (f) in sub-paragraph (g), for “UK” substitute “GB”,
- (g) for sub-paragraph (h) substitute—
  - “(h) in Part V (information in respect of seed imported from countries which are not EEA States in packages exceeding 2 kilograms net weight)—
    - (i) in the heading, for “which are not EEA States” substitute “outside the United Kingdom”,
    - (ii) in paragraph 10 (information to be supplied in respect of seed imported from a country which is not an EEA State in a package exceeding 2 kilograms net weight)—
      - (aa) in the heading, for “which is not an EEA State” substitute “outside the United Kingdom”,
      - (bb) in the text before sub-paragraph (a), for “which is not an EEA State” substitute “outside the United Kingdom”;
- (h) for sub-paragraph (i) substitute—
  - “(i) in Part VI (printing of specified matters on packages (whole bag labelling)), in paragraph 17 (seed packages sealed in the United Kingdom but not in Scotland, or in an EEA State other than the United Kingdom)—
    - (i) in the heading, for “in an EEA State other than the United Kingdom” substitute “outside the United Kingdom”,
    - (ii) for “EEA State” in the first place where it occurs, substitute “country outside the United Kingdom”,
    - (iii) for “EEA State” in the second place where it occurs substitute “country”,

- (iv) for “the Department of Agriculture and Rural Development” substitute “DAERA”.”.

### **Amendments relating to the Cereal Seed (Scotland) Regulations 2005**

**14.**—(1) Regulation 13 (the Cereal Seed (Scotland) Regulations 2005) is amended as follows.

(2) In paragraph (2)—

(a) for sub-paragraph (b) substitute—

“(b) in the definition of “blended seed lot”—

(i) omit “or Annex I (crop conditions) of the Cereal Seed Directive”,

(ii) for “National Authority” substitute “GB Authority or the NI Authority”,”,

(b) for sub-paragraph (c) substitute—

“(c) in the definition of “breeder”—

(i) in sub-paragraph (a), for “UK National List or the Common Catalogue” substitute “GB Variety List, an NI Variety List or the equivalent list in a country granted equivalence”,

(ii) in sub-paragraph (b), for “UK National List or in the Common Catalogue” and “UK National List or Common Catalogue” substitute “GB Variety List, NI Variety List or equivalent list in a country granted equivalence”,”,

(c) for sub-paragraph (d) substitute—

“(d) in the definition of “bulked seed lot”—

(i) in sub-paragraph (a)(iii), omit “or Annex I (crop conditions) of the Cereal Seed Directive”,

(ii) in sub-paragraph (b), for “National Authority” substitute “GB Authority or the NI Authority”,”,

(d) for sub-paragraph (e) substitute—

“(e) omit the definitions of “Common Catalogue” and “the Common Catalogue Directive”,

(ea) in the definition of “Conservation Variety”, for “UK National List” substitute “GB Variety List or an NI Variety List”,”,

(e) for sub-paragraph (f) substitute—

“(f) in the definition of “control plot”, for “European Authority” in both places it occurs substitute “GB Authority or the NI Authority”,”,

(f) in sub-paragraph (g), for the definition of “country granted equivalence” to be inserted substitute—

““country granted equivalence” means a country that has been—

(a) granted equivalence under the Equivalence Decision; or

(b) assessed by Scottish Ministers as producing the species of seed referred to in regulation 5 under conditions equivalent to those required by these Regulations;”,

(g) after sub-paragraph (g) insert—

“(ga) for the definition of “Department of Agriculture and Rural Development” substitute—



- ““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,
- (h) for sub-paragraph (h) substitute—  
““(h) omit the definition of “EEA State”;”,
- (i) for sub-paragraph (i) substitute—  
““(i) omit the definitions of “European Authority” and “by a European Authority”;”,
- (j) omit sub-paragraph (j),
- (k) for sub-paragraph (k) substitute—  
““(k) in the definition of “fully certified”—  
(i) in sub-paragraph (b), for “European” substitute “International”,  
(ii) in the text after sub-paragraph (b), for the words “either in” to the end substitute “schedule 4;”,”,
- (l) for sub-paragraph (l) substitute—  
““(l) after the definition of “genetically modified” insert—  
““the GMO Regulations” means—  
(a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002(**50**);  
(b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002(**51**);  
(c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002(**52**);  
(d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(**53**);  
“GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;  
“GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation;  
“GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001(**54**);”,
- (la) after the definition of “homogeneous seed lot” insert—  
““International Authority” means a GB Authority, the NI Authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority” means—  
(a) by or on behalf of a GB Authority;  
(b) by or on behalf of the NI Authority; or

(50) S.S.I. 2002/541, as amended by S.S.I. 2004/439, S.I. 2011/1043, S.S.I. 2015/100, S.S.I. 2019/57 and S.S.I. 2019/86.

(51) S.I. 2002/2443, as amended by S.I. 2004/2411, S.I. 2005/2759, S.I. 2009/1892, S.I. 2011/1043, S.I. 2018/575, S.I. 2019/88, S.I. 2019/759 and S.I. 2019/1252.

(52) S.I. 2002/3188 (W. 304), as amended by S.I. 2005/1913 (W. 156), S.I. 2005/2759, S.I. 2011/1043, S.I. 2013/755 (W. 90), S.I. 2018/1216 (W. 249), S.I. 2019/379 (W. 94), S.I. 2019/463 (W. 111), S.I. 2019/1316 (W. 228) and S.I. 2019/1492 (W. 271).

(53) S.R. 2003 No. 167 as amended by S.I. 2011/1043, S.R. 2018 No. 188, S.I. 2019/190, S.R. 2019 No. 223 and S.I. 2019/759.

(54) S.I. 2001/3510, last amended by S.I. 2020/579.

- (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”,
- (lb) in the definitions of “licensed crop inspector”, “licensed seed sampler” and “licensed seed testing station”, for sub-paragraph (b) in each definition substitute—
  - “(b) granted under provisions equivalent to that regulation by—
    - (i) a GB Authority other than the Scottish Ministers; or
    - (ii) the NI Authority;”,
- (m) for sub-paragraph (m) substitute—
  - “(m) omit the definition of “licensed EC crop inspector”,
  - (n) omit the definition of “National Authority”,
  - (o) before the definition of “oats” insert—
    - ““NI Authority” means DAERA;
    - “NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001(55);”,
  - (p) in the definition of “official field inspection”—
    - (i) in sub-paragraph (a), for “European Authority” substitute “a GB Authority or the NI Authority”,
    - (ii) in sub-paragraph (b), omit the words “or a licensed EC crop inspector”,
  - (q) in the definition of “official label”, for “a European Authority” substitute “an International Authority”,
  - (r) in the definition of “official post control”, for “the relevant European Authority” substitute “an International Authority”,
  - (s) in the definition of “official post control the results of which have been satisfactory”—
    - (i) for “the relevant European Authority” substitute “an International Authority”,
    - (ii) for sub-paragraph (a)(ii) substitute—
      - “(ii) in the case of a GB Authority other than the Scottish Ministers, Parts I and II of schedule 4;”,
  - (t) after the definition of “official sticker” insert—
    - ““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation;”,
  - (u) omit the definition of “protected zone quarantine pest”,
  - (v) for the definition of “registered or licensed number” substitute—
    - ““registered or licensed number” means the number issued to a person who holds a licence granted under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or to a person licensed or registered under provision equivalent to that regulation by—
      - (a) a GB Authority other than the Scottish Ministers; or
      - (b) the NI Authority;”,

- (w) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,
  - (x) for the definition of “third country” substitute—
    - ““third country” means any country or territory other than the British Islands;”,
  - (y) omit the definition of “Union quarantine pest”.”.
- (3) In paragraph (3)—
- (a) for sub-paragraph (a) substitute—
    - “(a) in the definition of “Pre-basic Seed”, for paragraph (c) substitute—
      - “(c) has been—
        - (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed specified in schedule 4;
        - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom;”,
  - (b) for sub-paragraph (b) substitute—
    - “(b) in the definition of “Basic Seed”, for paragraph (f) substitute—
      - “(f) has been—
        - (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a), (b), (c), (d) or (e) and the requirements for Basic Seed specified in schedule 4;
        - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a), (b), (c), (d) or (e) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom;”,
  - (c) for sub-paragraph (c) substitute—
    - “(c) in the definition of “Certified Seed”, for paragraph (c) substitute—
      - “(c) has been—
        - (i) subject to regulation 12, officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed specified in schedule 4;
        - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed in the relevant part of the United Kingdom;”,
  - (d) for sub-paragraph (d) substitute—
    - “(d) in the definition of “Certified Seed of the First Generation”, for paragraph (c) substitute—
      - “(c) has been—
        - (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation specified in schedule 4;

- (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the First Generation in the relevant part of the United Kingdom;”,”,
  - (e) for sub-paragraph (e) substitute—
    - “(e) in the definition of “Certified Seed of the Second Generation”, for paragraph (c) substitute—
      - “(c) has been—
        - (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Second Generation specified in schedule 4;
        - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom;”,”,
- (4) For paragraph (5)(a) substitute—
  - “(a) in paragraph (1)(b)(i), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
  - (aa) in paragraph (2)(b)(i), omit “or Annex I (crop conditions) of the Cereal Seed Directive”,
  - (ab) in paragraph (3), for “a European” substitute “an International”.”.
- (5) For paragraph (6) substitute—
  - “(6) In regulation 6A (importation from outside the European Union)—
    - (a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,
    - (b) for “outside the European Union” substitute “a country granted equivalence”.”.
- (6) In paragraph (7)—
  - (a) in sub-paragraph (a), for the new paragraph (1)(b) to be inserted substitute—
    - “(b) an authorisation has been granted to the producer, in respect of small quantities of seed for scientific purposes or selection work in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
      - (i) a GB Authority other than the Scottish Ministers; or
      - (ii) the NI Authority.”.
  - (b) in sub-paragraph (b), in the new paragraph (4)(a) to be inserted, for “exit” substitute “IP completion”.
- (7) In paragraph (8)—
  - (a) in sub-paragraph (a), for the new paragraph (1)(b) to be inserted substitute—
    - “(b) an authorisation which has been granted to the producer, in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
      - (i) a GB Authority other than the Scottish Ministers; or
      - (ii) the NI Authority.”.
  - (b) for sub-paragraph (b) substitute—
    - “(b) in paragraph (4)—
      - (i) for sub-paragraph (a) substitute—

- “(a) the seed is of a variety for which an application has been made by the applicant, which has not been withdrawn or finally determined, under—
  - (i) regulation 4(1)(a) (applications in relation to National Lists) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a GB Variety List; or
  - (ii) the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001<sup>(56)</sup> for acceptance on to an NI Variety List;”
- (ii) for sub-paragraph (b) substitute—
  - “(b) in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—
    - (i) before the day on which IP completion day falls, under Part C of the 2001 Deliberate Release Directive;
    - (ii) under the Food and Feed Regulation; or
    - (iii) under the GMO Regulations;”
- (c) for paragraph (d) substitute—
  - “(d) in paragraph (9), for “National List” to the end substitute “GB Variety List or an NI Variety List.”
- (d) for paragraph (e) substitute—
  - “(e) in paragraph (10), for “names of the Member State” to the end substitute “location of the trials within the United Kingdom.”
- (8) In paragraph (9)—
  - (a) in sub-paragraph (a), in the new paragraph (8A) to be inserted, for “the United Kingdom” in each place it occurs substitute “Great Britain”,
  - (b) for sub-paragraph (b)(ii) substitute—
    - “(ii) for the definition of “region of origin” substitute—

““region of origin” means the region forming a part or the whole of Great Britain identified by the Scottish Ministers for the purposes of Article 8.1 of Commission Directive 2008/62, with Article 8.1 of Commission Directive 2008/62 being read as if—

      - (a) in the first sub-paragraph—
        - (i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”;
        - (ii) for “it shall”, there were substituted “they must”;
        - (iii) for “It shall”, there were substituted “The Scottish Ministers must”;
        - (iv) for “Member States”, there were substituted “Scottish Ministers”;
    - (b) the second sub-paragraph was omitted.”

- (9) In paragraph (10), for the new paragraph (2) to be inserted substitute—
- “(2) The Scottish Ministers may exercise the power under paragraph (1)—
- (a) for the purposes of a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act; or
  - (b) to the extent that the provisions of the general licence are—
    - (i) necessary in order to overcome any temporary difficulties in the supply of basic or certified seed—
      - (aa) by permitting the marketing of seed of a category subject to less stringent requirements, or of seed of a variety not included in a GB Variety List or an NI Variety List;
      - (bb) for a specified period; and
      - (cc) in quantities necessary to resolve the supply difficulties; or
    - (ii) permitted by Commission Regulation 217/2006 or an authorisation granted thereunder.
- (2A) The duration of a temporary experiment referred to in paragraph (2)(a) must not exceed 7 years.
- (2B) When seed is marketed in accordance with paragraph (2)(b)(i), the following labelling requirements apply—
- (a) for a category of seed of any given variety, the official label must be that provided for the corresponding category;
  - (b) for seed of varieties not included in a GB Variety List or an NI Variety List the colour of the official label must be brown;
  - (c) the label must always state that the seed in question is of a category satisfying less stringent requirements.”.

(10) In paragraph (11)—

    - (a) in sub-paragraph (a)—
      - (i) in head (ii), in the new sub-paragraph (b) to be inserted, for heads (i) and (ii) substitute—
        - “(i) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain; or
        - (ii) by the NI Authority, in accordance with the applicable requirements in Northern Ireland; or,”
      - (ii) in head (iii), in the new sub-paragraph (c)(ii) to be inserted, for sub-heads (aa) and (bb) substitute—
        - “(aa) by a GB Authority other than the Scottish Ministers, in the applicable requirements in the relevant part of Great Britain, irrespective of the findings of the GB Authority; or
        - (bb) by the NI Authority, in the applicable requirements in Northern Ireland, irrespective of the findings of the NI Authority.”,
    - (b) for sub-paragraph (b) substitute—
      - “(b) in paragraph (3), for the words “the United Kingdom” to the end substitute “Great Britain from a country granted equivalence.”.”.

(11) In paragraph (12)—

- (a) for sub-paragraph (a) substitute—
    - “(a) in paragraph (1)—
      - (i) in sub-paragraph (a), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
      - (ii) for sub-paragraph (b) substitute—
        - “(b) (i) any seed lot has, in order to make seed rapidly available, been certified by—
          - (aa) a GB Authority other than the Scottish Ministers;  
or
          - (bb) the NI Authority; and
        - (ii) the provisional germination report on the seed has been presented by the producer to the Scottish Ministers,”,”
  - (b) for sub-paragraph (b)(i) substitute—
    - “(i) for “European Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority,”,”
  - (c) for sub-paragraph (c) substitute—
    - “(c) in paragraph (5), for the words “the United Kingdom” to the end substitute “Great Britain from a country granted equivalence.”.”.
- (12) In paragraph (13), for sub-paragraphs (a) to (c) substitute—
- “(a) in paragraph (3), for “UK National List (or an equivalent list in another EEA State)” in both places where it occurs, substitute “GB Variety List or an NI Variety List”,
  - (b) in paragraph (4)(d) omit—
    - (i) “or licensed EC crop inspector”, and
    - (ii) “, or licensed EC crop inspector’s,”.”.
- (13) In paragraph (14), for “National” substitute “International”.
- (14) In paragraph (15)—
- (a) for sub-paragraph (a) substitute—
    - “(a) for sub-paragraph (1)(b) substitute—
      - “(b) sealed in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”,”,
    - (b) for sub-paragraph (b) substitute—
      - “(b) for paragraph (3)(b) substitute—
        - “(b) in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”.”.
- (15) In paragraph (16)—
- (a) for sub-paragraph (a) substitute—
    - “(a) for paragraph (4A)(b) substitute—
      - “(b) where seed is sealed in any part of the United Kingdom other than Scotland, be labelled in accordance with the requirements for labelling applicable to a Conservation Variety in the relevant part of the United Kingdom.”,”,
    - (b) for sub-paragraph (b) substitute—
      - “(b) for paragraph (5)(b) substitute—

- “(b) which is sealed in any part of the United Kingdom other than Scotland will satisfy the applicable requirements in the relevant part of the United Kingdom.”,”
- (c) for sub-paragraph (c) substitute—
- “(c) for paragraph (8)(b) substitute—
- “(b) which is sealed in any other part of the United Kingdom, must contain an official document in accordance with the applicable requirements for official documents and, as the case may be, for labelling of packages of mixtures of seeds, in the relevant part of the United Kingdom.”,”
- (d) for sub-paragraph (d) substitute—
- “(d) in paragraph (10)—
- (i) for sub-paragraph (a) substitute—
- “(a) (i) for packages sealed in Scotland, the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (6)(a), (12) and (13), are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified;
- (ii) for packages sealed in any other part of the United Kingdom, the appropriate particulars of the matters specified in accordance with the applicable requirements in the relevant part of the United Kingdom, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and”
- (ii) for sub-paragraph (c) substitute—
- “(c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed in any other part of the United Kingdom.”.”
- (16) For paragraph (17) substitute—
- “(17) In regulation 20 (breeder’s confirmations)—
- (a) in paragraph (1)(c)—
- (i) in head (i), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List”,
- (ii) in head (ii), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List”,
- (b) in paragraphs (5) and (6), for the words “UK National List (or to an equivalent list in another EEA State)” substitute “GB Variety List or an NI Variety List”.”.
- (17) In paragraph (20)—
- (a) in the new regulation 26A to be inserted, in the heading and the regulation, after “Crown Dependency” insert “or a country granted equivalence”,
- (b) in the new regulation 26B to be inserted—
- (i) in the heading and the regulation, for “exit” in each place it occurs substitute “IP completion”,
- (ii) for “two years” substitute “twelve months”.
- (18) In paragraph (21)—
- (a) for sub-paragraph (b) substitute—



- “(b) for paragraph 4 (applications for seed harvested in an EEA State or third country) substitute—

**“Applications for seed harvested outside the United Kingdom**

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 14(1) for the issue of an official certificate in respect of a seed lot as Pre basic Seed, Basic Seed or Seed of a Certified Generation, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

(2) An official certificate may only be issued under sub-paragraph (1) if—

- (a) the seed has been—
  - (i) produced directly from—
    - (aa) fully certified Basic Seed or Certified Seed of the First Generation, or
    - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed of the First Generation in accordance with these Regulations,
  - (ii) harvested outside the United Kingdom, and
  - (iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed;
- (b) the seed has been—
  - (i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations,
  - (ii) harvested outside the United Kingdom, and
  - (iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed;  
or
- (c) the seed—
  - (i) is to be certified by the Scottish Ministers as Basic Seed;
  - (ii) has been produced directly from—
    - (aa) fully certified Pre-basic Seed, or
    - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under

legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Pre-basic Seed in accordance with these Regulations,

- (iii) has been harvested outside the United Kingdom, and
- (iv) has been shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed.

(3) In the case of seed which has been harvested in a country granted equivalence, an official certificate may only be issued under sub-paragraph (1) provided that—

- (a) the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Part I of schedule 4 (crop standards); and
- (b) has been packed in a sealed package in accordance with the requirements of regulation 16 (sealing of packages of fully certified seed) and has been labelled in accordance with the requirements of regulation 17 (labelling of packages of fully certified seed) and schedule 6.”,”

(b) for sub-paragraph (c) substitute—

- “(c) in paragraph 7(d) (when applications may be refused), for the words “UK National List (or to an equivalent list in an EEA State)” substitute “GB Variety List or an NI Variety List”.”.

(19) For paragraph (22) substitute—

“(22) In Schedule 4 (requirements for Pre Basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation)—

- (a) in Part I (conditions relating to crops from which seed is obtained)—
  - (i) in paragraph 2 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”,
  - (ii) in paragraph 4 (pests in the crop)—
    - (aa) for “Union” substitute “GB”,
    - (bb) for “protected zone” substitute “PFA”,
- (b) in Part II (conditions relating to Basic Seed, Certified Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation), in paragraph 17(2) (pests in the seed)—
  - (i) for “Union” substitute “GB”,
  - (ii) for “protected zone” substitute “PFA”.”.

(20) For paragraph (23)(a) substitute—

- “(a) in Part III (conditions relating to crops from which seed is obtained), in paragraph 1 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”.”.

(21) In paragraph (24)—

- (a) in sub-paragraph (b)—
  - (i) in head (i)—

- (aa) for “sub-paragraph” substitute “head”,
- (bb) for “UK” substitute “GB”,
- (ii) in head (ii), for “sub-paragraph” substitute “head”,
- (iii) for head (iii) substitute—
  - “(iii) in head (xi)(aa), for “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
- (b) for sub-paragraph (d) substitute—
  - “(d) in paragraph 6A(a) (official label for a package of test and trial seed)—
    - (i) in head (ii), for “EEA State or their distinguishing abbreviation”, substitute “country or country initials”,
    - (ii) for head (vii) substitute—
      - “(vii) the official application number in relation to the application for listing under—
        - (aa) in relation to applications in GB, regulation 4(1)(a) (applications in relation to GB Variety Lists) of the Seeds (National List of Varieties) Regulations 2001; or
        - (bb) in relation to applications in Northern Ireland, the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001(57);”,
- (c) in sub-paragraph (e), for “UK” substitute “GB”,
- (d) in sub-paragraph (f), for “UK” substitute “GB”,
- (e) for sub-paragraph (g) substitute—
  - “(g) in Part V (information in respect of seed imported from countries which are not EEA States in packages exceeding 2 kilograms net weight)—
    - (i) in the heading, for “which are not EEA States” substitute “outside the United Kingdom”,
    - (ii) in paragraph 11 (information to be supplied in respect of seed imported from a country which is not an EEA State in a package exceeding 2 kilograms net weight)—
      - (aa) in the heading, for “which is not an EEA State” substitute “outside the United Kingdom”,
      - (bb) in the text before sub-paragraph (a), for “which is not an EEA State” substitute “outside the United Kingdom”,
- (f) for sub-paragraph (h) substitute—
  - “(h) in Part VI (printing of specified matters on packages (whole bag labelling)), in paragraph 16 (seed packages sealed in the United Kingdom but not in Scotland, or in an EEA State other than the United Kingdom)—
    - (i) in the heading, for “in an EEA State other than the United Kingdom” substitute “outside the United Kingdom”,
    - (ii) for “EEA State” in the first place where it occurs, substitute “country outside the United Kingdom”,
    - (iii) for “EEA State” in the second place where it occurs substitute “country”,

- (iv) for “the Department of Agriculture and Rural Development” substitute “DAERA”.”.

### **Amendments relating to the Fodder Plant Seed (Scotland) Regulations 2005**

**15.**—(1) Regulation 14 (the Fodder Plant Seed (Scotland) Regulations 2005) is amended as follows.

(2) In paragraph (2)—

(a) for sub-paragraph (b) substitute—

“(b) in the definition of “blended seed lot”—

(i) omit “or Annex I (crop conditions) of the Fodder Plant Seed Directive”,

(ii) for “National Authority” substitute “GB Authority or the NI Authority”,”,

(b) for sub-paragraph (c) substitute—

“(c) in the definition of “breeder”—

(i) in sub-paragraph (a), for “UK National List or the Common Catalogue” substitute “GB Variety List, an NI Variety List or the equivalent list in a country granted equivalence”,

(ii) in sub-paragraph (b), for “UK National List or in the Common Catalogue” and “UK National List or Common Catalogue” substitute “GB Variety List, NI Variety List or equivalent list in a country granted equivalence”,

(ca) in the definition of “breeder’s designation”, for “UK National List” substitute “GB Variety List or an NI Variety List”,”,

(c) for sub-paragraph (d) substitute—

“(d) in the definition of “bulked seed lot”—

(i) in sub-paragraph (a)(iii), omit “or Annex I (crop conditions) of the Fodder Plant Seed Directive”,

(ii) in sub-paragraph (b), for “National Authority” substitute “GB Authority or the NI Authority”,”,

(d) for sub-paragraph (e) substitute—

“(e) omit the definitions of “Common Catalogue” and “the Common Catalogue Directive”,

(ea) in the definition of “Conservation Variety”, for “UK National List” substitute “GB Variety List or an NI Variety List”,”,

(e) for sub-paragraph (f) substitute—

“(f) in the definition of “control plot”, for “European Authority” in both places it occurs substitute “GB Authority or the NI Authority”,”,

(f) in sub-paragraph (g), for definition of “country granted equivalence” to be inserted substitute—

““country granted equivalence” means a country that has been—

(a) granted equivalence under the Equivalence Decision; or

(b) assessed by the Scottish Ministers as producing the species of seed referred to in regulation 5 under conditions equivalent to those required by these Regulations;”,

(g) after sub-paragraph (h) insert—

- “(ha) for the definition of “Department of Agriculture and Rural Development” substitute—
- ““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,
- (h) for sub-paragraph (i) substitute—
- “(i) omit the definition of “EEA State”,
- (i) for sub-paragraph (j) substitute—
- “(j) omit the definitions of “European Authority” and “by a European Authority”,
- (j) omit sub-paragraph (k),
- (k) for sub-paragraph (l) substitute—
- “(l) in the definition of “fully certified”—
- (i) in sub-paragraph (b), for “European” substitute “International”,
- (ii) in the text after sub-paragraph (b), for the words “either in” to the end substitute “Schedule 4;”,
- (l) for sub-paragraph (m) substitute—
- “(m) after the definition of “genetically modified” insert—
- ““the GMO Regulations” means—
- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002(**58**);
- (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002(**59**);
- (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002(**60**);
- (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(**61**);
- “GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;
- “GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation;
- “GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001(**62**);”,
- (ma) after the definition of “homogenous seed lot” insert—
- ““International Authority” means a GB authority or the NI authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority” means—
- (a) by or on behalf of a GB Authority;

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(58) S.S.I. 2002/541, as amended by S.S.I. 2004/439, S.I. 2011/1043, S.S.I. 2015/100, S.S.I. 2019/57 and S.S.I. 2019/86.

(59) S.I. 2002/2443, as amended by S.I. 2004/2411, S.I. 2005/2759, S.I. 2009/1892, S.I. 2011/1043, S.I. 2018/575, S.I. 2019/88, S.I. 2019/759 and S.I. 2019/1252.

(60) S.I. 2002/3188 (W. 304), as amended by S.I. 2005/1913 (W. 156), S.I. 2005/2759, S.I. 2011/1043, S.I. 2013/755 (W. 90), S.I. 2018/1216 (W. 249), S.I. 2019/379 (W. 94), S.I. 2019/463 (W. 111), S.I. 2019/1316 (W. 228) and S.I. 2019/1492 (W. 271).

(61) S.R. 2003 No. 167 as amended by S.I. 2011/1043, S.R. 2018 No. 188, S.I. 2019/190, S.R. 2019 No. 223 and S.I. 2019/759.

(62) S.I. 2001/3510, last amended by S.I. 2020/579.

- (b) by or on behalf of the NI Authority; or
  - (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”,
- (mb) in the definitions of “licensed crop inspector”, “licensed seed sampler” and “licensed seed testing station”, for sub-paragraph (b) substitute—
  - “(b) granted under provisions equivalent to that regulation by—
    - (i) a GB Authority other than the Scottish Ministers; or
    - (ii) the NI Authority;”,
- (m) for sub-paragraph (n) substitute—
  - “(n) omit the definition of “licensed EC crop inspector”,
  - (na) omit the definition of “National Authority”,
  - (nb) before the definition of “official certificate” insert—
    - ““NI Authority” means DAERA;
    - “NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001(63);”,
  - (nc) in the definitions of—
    - (i) “official control”,
    - (ii) “official label”, and
    - (iii) “official sticker”,
 for “European Authority” substitute “International Authority”,
  - (nd) in the definition of “official field inspection”—
    - (i) in sub-paragraph (a), for “European Authority” substitute “International Authority”,
    - (ii) in sub-paragraph (b), omit the words “or a licensed EC crop inspector”,
  - (ne) in the definition of “official post-control”, for “the relevant European Authority” substitute “an International Authority”,
  - (nf) in the definition of “official post control the results of which have been satisfactory”—
    - (i) for “the relevant European Authority” substitute “an International Authority”,
    - (ii) for sub-paragraph (a)(ii) substitute—
      - “(ii) in the case of a GB Authority other than the Scottish Ministers, Parts I and II of Schedule 4;”,
  - (ng) after the definition of “official sticker” insert—
    - ““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation;”,
  - (nh) omit the definition of “protected zone quarantine pest”
  - (ni) for the definition of “registered or licensed number” substitute—
    - ““registered or licensed number” means the number issued to a person who holds a licence granted under regulation 4(1)(a) of the Seed (Licensing and

- Enforcement etc.) (Scotland) Regulations 2016 or to a person licensed or registered under provisions equivalent to that regulation by—
- (a) a GB Authority other than the Scottish Ministers; or
  - (b) the NI Authority;”,
- (nj) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,”
- (n) after sub-paragraph (q) insert—
- “(r) for the definition of “third country” substitute—  
““third country” means any country or territory other than the British Islands,”
  - (s) omit the definition of “Union quarantine pest”.”.
- (3) In paragraph (3)—
- (a) for sub-paragraph (a) substitute—
    - “(a) in the definition of “Pre-basic Seed”, for paragraph (c)(ii) substitute—  
“(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed in the relevant part of the United Kingdom;”,”
  - (b) for sub-paragraph (b) substitute—
    - “(b) in the definition of “Basic Seed” (other than in relation to a component of a hybrid variety of fodder kale), for paragraph (d)(ii) substitute—  
“(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraph (a) or (b) and paragraph (c) and the requirements for Basic Seed in the relevant part of the United Kingdom;”,”
  - (c) for sub-paragraph (c) substitute—
    - “(c) in the definition of “Basic Seed” (in relation to a component of a hybrid variety of fodder kale), for paragraph (c)(ii) substitute—  
“(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed in the relevant part of the United Kingdom;”,”
  - (d) for sub-paragraph (d) substitute—
    - “(d) in the definition of “Certified Seed”, for paragraph (c)(ii) substitute—  
“(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed in the relevant part of the United Kingdom;”,”
  - (e) for sub-paragraph (e) substitute—
    - “(e) in the definition of “Certified Seed of the First Generation”, for paragraph (c)(ii) substitute—  
“(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation in the relevant part of the United Kingdom;”,”
  - (f) for sub-paragraph (f) substitute—

- “(f) in the definition of “Certified Seed of the Second Generation”, for paragraph (c)(ii) substitute—
  - “(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom;”,
- (g) for sub-paragraph (g) substitute—
  - “(g) in the definition of “Commercial Seed”, for paragraph (b) substitute—
    - “(b) certified by a GB Authority, other than the Scottish Ministers, as satisfying the requirements for Commercial Seed in the relevant part of the United Kingdom;”. ”.
- (4) In paragraph (5)—
  - (a) for sub-paragraph (a) substitute—
    - “(a) in paragraph (1)(b)(ii), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
    - (aa) in paragraph (2)(c), omit “or Annex I (crop conditions) of the Fodder Plant Seed Directive”,
    - (ab) in paragraph (3), for “European” substitute “International;”,
  - (b) omit sub-paragraph (c).
- (5) For paragraph (6) substitute—
  - “(6) In regulation 6A (importation from outside the European Union)—
    - (a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,
    - (b) for “outside the European Union” substitute “a country granted equivalence;”. ”.
- (6) For paragraph (7)(b) substitute—
  - “(b) in paragraph (6), omit “EC” in each place it occurs,
  - (c) in paragraph (7)—
    - (i) omit “EC” in each place it occurs,
    - (ii) for “the United Kingdom” substitute “Great Britain;”. ”.
- (7) For paragraph (8)(c) substitute—
  - “(c) in paragraph (11)—
    - (i) for “the United Kingdom” substitute “Great Britain”,
    - (ii) for the words “for the purposes” to the end substitute “having taken account of any available information from plant genetic resource organisations;”. ”.
- (8) In paragraph (9)—
  - (a) in sub-paragraph (a), for the new paragraph (1)(b) to be inserted substitute—
    - “(b) an authorisation has been granted to the producer, in respect of small quantities of seed for scientific purposes or selection work in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
      - (i) a GB Authority other than the Scottish Ministers; or
      - (ii) the NI Authority;”,
  - (b) in sub-paragraph (b), in the new paragraph (4)(a) to be inserted, for “exit” substitute “IP completion”.



(9) In paragraph (10)—

(a) in sub-paragraph (a), for the new paragraph (1)(b) to be inserted substitute—

“(b) an authorisation has been granted to the producer, in accordance with the applicable requirements in the relevant part of the United Kingdom, by—

- (i) a GB Authority other than the Scottish Ministers; or
- (ii) the NI Authority.”,

(b) for sub-paragraph (b) substitute—

“(b) in paragraph (4)—

(i) for sub-paragraph (a) substitute—

“(a) the seed is of a variety for which an application has been made by the applicant, which has not been withdrawn or finally determined, under—

(i) regulation 4(1)(a) (applications in relation to National Lists) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a GB Variety List; or

(ii) the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001(64) for acceptance on to an NI Variety List;”,

(ii) for sub-paragraph (b) substitute—

“(b) in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—

(i) before the day on which IP Completion day falls, under Part C of the 2001 Deliberate Release Directive;

(ii) under the Food and Feed Regulation; or

(iii) under the GMO Regulations;”,”,

(c) for paragraph (d) substitute—

“(d) in paragraph (9), for “National List” to the end substitute “GB Variety List or an NI Variety List.””,

(d) for paragraph (e) substitute—

“(e) in paragraph (10), for “name of the Member State” to the end substitute “location of the trials within the United Kingdom”.”.

(10) In paragraph (11)—

(a) in sub-paragraph (a), for “the United Kingdom” in each place it occurs substitute “Great Britain”,

(b) for sub-paragraph (b)(ii) substitute—

“(ii) for the definition of “region of origin” substitute—

““region of origin” means the region forming a part or the whole of Great Britain identified by the Scottish Ministers for the purposes of Article 8.1 of Commission Directive 2008/62, with Article 8.1 of Commission Directive 2008/62 being read as if—

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(64) S.I. 2001/3510, last amended by S.I. 2020/579.

- (a) in the first sub-paragraph—
    - (i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”;
    - (ii) for “it shall”, there were substituted “they must”;
    - (iii) for “It shall”, there were substituted “The Scottish Ministers must”;
    - (iv) for “Member States”, there were substituted “Scottish Ministers”;
  - (b) the second sub-paragraph was omitted.”.”.
- (11) In paragraph (12), for the new paragraph (2) to be inserted substitute—
- “(2) The Scottish Ministers may exercise the power under paragraph (1)—
- (a) for the purposes of a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act; or
  - (b) to the extent that the provisions of the general licence are—
    - (i) necessary in order to overcome any temporary difficulties in the supply of basic or certified seed—
      - (aa) by permitting the marketing of seed of a category subject to less stringent requirements, or of seed of a variety not included in a GB Variety List or an NI Variety List;
      - (bb) for a specified period; and
      - (cc) in quantities necessary to resolve the supply difficulties; or
    - (ii) permitted by Commission Regulation 217/2006 or an authorisation granted thereunder.
- (2A) The duration of a temporary experiment referred to in paragraph (2)(a) must not exceed 7 years.
- (2B) When seed is marketed in accordance with paragraph (2)(b)(i), the following labelling requirements apply—
- (a) for a category of seed of any given variety, the official label must be that provided for the corresponding category;
  - (b) for seed of varieties not included in a GB Variety List or an NI Variety List the official label must be that provided for commercial seed;
  - (c) the label must always state that the seed in question is of a category satisfying less stringent requirements.”.
- (12) In paragraph (13)—
- (a) in sub-paragraph (a)—
    - (i) in head (ii), in the new sub-paragraph (b) to be inserted, for heads (i) and (ii) substitute—
      - “(i) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain; or
      - (ii) by the NI Authority, in accordance with the applicable requirements in Northern Ireland;”,
    - (ii) in head (iii), in the new sub-paragraph (c)(ii) to be inserted, for the new sub-heads (aa) and (bb) substitute—



- “(b) in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”,”.
- (17) In paragraph (18)—
- (a) for sub-paragraph (a) substitute—
- “(a) for paragraph (4A)(b) substitute—
- “(b) where seed is sealed in any part of the United Kingdom other than Scotland, be labelled in accordance with the requirements for labelling applicable to a Conservation Variety in the relevant part of the United Kingdom.”,”
- (b) for sub-paragraph (b) substitute—
- “(b) in paragraph (5)—
- (i) in the text before sub-paragraph (a), omit “EC” in both places it occurs,
- (ii) for sub-paragraph (b) substitute—
- “(b) which is sealed in any part of the United Kingdom other than Scotland will satisfy the applicable requirements in the relevant part of the United Kingdom”,”
- (c) for sub-paragraph (c) substitute—
- “(c) in paragraph (8)—
- (i) in the text before sub-paragraph (a), omit “EC” in both places it occurs,
- (ii) for sub-paragraph (b) substitute—
- “(b) which is sealed in any other part of the United Kingdom, must contain an official document in accordance with the applicable requirements for official documents and, as the case may be, for labelling of packages of mixtures of seeds, in the relevant part of the United Kingdom.”,”
- (d) for sub-paragraph (d) substitute—
- “(d) in paragraph (10)—
- (i) in the text before sub-paragraph (a), omit “EC” in both places it occurs,
- (ii) for sub-paragraph (a) substitute—
- “(a) for packages sealed in—
- (i) Scotland, the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (6) (a), (12) and (13), are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified;
- (ii) any other part of the United Kingdom, the appropriate particulars of the matters specified in accordance with the applicable requirements in the relevant part of the United Kingdom, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and”
- (iii) for sub-paragraph (c) substitute—
- “(c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed in any other part of the United Kingdom.”,”.

- (18) In paragraph (19)—
- (a) for sub-paragraph (a) substitute—
    - “(a) in paragraph (1)(c)—
      - (i) in head (i), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List; or”,
      - (ii) in head (ii), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List.”,”
  - (b) for sub-paragraph (b) substitute—
    - “(b) in paragraphs (5) and (6), for the words “UK National List” to “EEA State)” substitute “GB Variety List or an NI Variety List”,
- (19) In paragraph (22)—
- (a) in the new regulation 26A to be inserted, in the heading and the regulation, after “Crown Dependency” insert “or a country granted equivalence”,
  - (b) in the new regulation 26B to be inserted—
    - (i) in the heading and the regulation, for “exit” in each place it occurs substitute “IP completion”,
    - (ii) for “two years” substitute “twelve months”.
- (20) In paragraph (23)—
- (a) for sub-paragraph (b) substitute—
    - “(b) for paragraph 4 (applications for seed harvested in an EEA State or third country) substitute—

#### **“Applications for seed harvested outside the United Kingdom**

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 14(1) for the issue of an official certificate in respect of a seed lot as Pre basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

- (2) An official certificate may only be issued under sub-paragraph (1) if—
- (a) the seed has been—
    - (i) produced directly from—
      - (aa) fully certified Basic Seed or Certified Seed of the First Generation, or
      - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed of the First Generation in accordance with these Regulations,
    - (ii) harvested outside the United Kingdom, and
    - (iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have

satisfied the conditions specified in Part II of schedule 4 for the relevant category of seed;

- (b) the seed has been—
    - (i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations,
    - (ii) harvested outside the United Kingdom, and
    - (iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed; or
  - (c) the seed—
    - (i) is to be certified by the Scottish Ministers as Basic Seed,
    - (ii) has been produced directly from—
      - (aa) fully certified Pre-basic Seed, or
      - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Pre-basic Seed in accordance with these Regulations,
    - (iii) has been harvested outside the United Kingdom, and
    - (iv) has been shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed.
- (3) In the case of seed which has been harvested in a country granted equivalence, an official certificate may only be issued under sub-paragraph (1) provided that—
- (a) the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Part 1 of schedule 4 (crop standards); and
  - (b) has been packed in a sealed package in accordance with the requirements of regulation 16 (sealing of packages of fully certified seed) and has been labelled in accordance with the requirements of regulation 17 (labelling of packages of fully certified seed) and schedule 6.”,”

(b) for sub-paragraph (c) substitute—

“(c) in paragraph (7)(d) (when applications may be refused), for the words “UK National List (or to an equivalent list in an EEA State)” substitute “GB Variety List or an NI Variety List”.”.

(21) For paragraph (24) substitute—

- “(24) In schedule 4 (requirements for Pre-Basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation and Commercial Seed)—
- (a) in Part I (conditions relating to crops from which seed other than Commercial Seed is obtained)—
    - (i) in paragraph 2 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List.”,
    - (ii) in paragraph 4 (pests in the crop)—
      - (aa) for “Union” substitute “GB”,
      - (bb) for “protected zone” substitute “PFA”,
  - (b) in Part II (conditions relating to Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation and Commercial Seed), in paragraph 12 (pests in the seed)—
    - (i) for “Union” substitute “GB”,
    - (ii) for “protected zone” substitute “PFA”.”.
- (22) For paragraph (25)(a) substitute—
- “(a) in Part III (conditions relating to crops from which seed is obtained), in paragraph 1 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”.”.
- (23) After paragraph (25) insert—
- “(25A) In schedule 5, in Part II (maximum weight of a seed lot and minimum weight of a submitted sample), in paragraph 23A(1) (increase to maximum weight of a seed lot of grasses), for “National Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority”.”.
- (24) In paragraph (26)—
- (a) for “UK” in each place it occurs substitute “GB”,
  - (b) for sub-paragraph (d) substitute—
    - “(d) in paragraph 6A(a) (official label for a package of test and trial seed)—
      - (i) in head (ii), for “EEA State or their distinguishing abbreviation”, substitute “country or country initials”,
      - (ii) for head (vii) substitute—
        - “(vii) the official application number in relation to the application for listing under—
          - (aa) in relation to applications in GB, regulation 4(1)(a) (applications in relation to GB Variety Lists) of the Seeds (National List of Varieties) Regulations 2001; or
          - (bb) in relation to applications in Northern Ireland, the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001(65);”,”,
  - (c) for sub-paragraph (i) substitute—
    - “(i) in Part V (information in respect of seed imported from countries which are not EEA States in packages exceeding 2 kilograms net weight)—

- (i) in the heading, for “which are not EEA States” substitute “outside the United Kingdom”,
- (ii) in paragraph 12 (information to be supplied in respect of seed imported from a country which is not an EEA State in a package exceeding 2 kilograms net weight)—
  - (aa) in the heading, for “a country which is not an EEA State” substitute “outside the United Kingdom”,
  - (bb) in the text before sub-paragraph (a), for “a country which is not an EEA State” substitute “outside the United Kingdom”,
- (d) for sub-paragraph (j) substitute—
  - “(j) in Part VI (printing of specified matters on packages (whole bag labelling)), in paragraph 17 (seed packages sealed in the United Kingdom but not in Scotland, or in an EEA State other than the United Kingdom)—
    - (i) in the heading, for “in an EEA State other than the United Kingdom” substitute “outside the United Kingdom”,
    - (ii) for “EEA State” in the first place where it occurs, substitute “country outside the United Kingdom”,
    - (iii) for “EEA State” in the second place where it occurs substitute “country”,
    - (iv) for “the Department of Agriculture and Rural Development” substitute “DAERA”.”.

#### **Amendments relating to the Beet Seed (Scotland) (No. 2) Regulations 2010**

**16.**—(1) Regulation 15 (the Beet Seed (Scotland) (No. 2) Regulations 2010) is amended as follows.

- (2) In paragraph (2)—
  - (a) in sub-paragraph (a)—
    - (i) for head (ii) substitute—
      - “(ii) in the definition of “breeder”—
        - (aa) in sub-paragraph (a), for “UK National List or the Common Catalogue” substitute “GB Variety List, an NI Variety List or the equivalent list in a country granted equivalence”,
        - (bb) in sub-paragraph (b), for “UK National List or in the Common Catalogue” and “UK National List or Common Catalogue” substitute “GB Variety List, NI Variety List or equivalent list in a country granted equivalence”,
      - (iia) in the definition of “breeder’s designation”, for “UK National List” substitute “GB Variety List or an NI Variety List”,
    - (ii) for head (iii) substitute—
      - “(iii) omit the definitions of “Common Catalogue” and “the Common Catalogue Directive”,
      - (iia) in the definition of “Conservation Variety”, for “UK National List” substitute “GB Variety List or an NI Variety List”,
    - (iii) for head (iv) substitute—
      - “(iv) in the definition of “control plot”, for “European Authority” in both places it occurs substitute “GB Authority or the NI Authority”,



(iv) in head (v), for the definition of “country granted equivalence” to be inserted substitute—

““country granted equivalence” means a country that has been—

- (a) granted equivalence under the Equivalence Decision; or
- (b) assessed by Scottish Ministers as producing the species of seed referred to in regulation 4 under conditions equivalent to those required by these Regulations;”

(v) after head (v) insert—

“(va) for the definition of “Department of Agriculture and Rural Development” substitute—

““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”

(vb) omit the definition of “EEA State”;”

(vi) for heads (vi) and (vii) substitute—

“(vi) omit the definition of “European Authority”

(vii) omit the definition of “by a European Authority”;”

(vii) for head (viii) substitute—

“(viii) in the definition of “fully certified”—

(aa) in sub-paragraph (b), for “a European” substitute “an International”

(bb) in the text after sub-paragraph (b), for the words “either in” to the end substitute “Part 1 of schedule 4;”

(viii) for head (ix) substitute—

“(ix) after the definition of “genetically modified” insert—

““the GMO Regulations” means—

- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002(66);
- (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002(67);
- (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002(68);
- (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(69);

“GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;

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(66) S.S.I. 2002/541, as amended by S.S.I. 2004/439, S.I. 2011/1043, S.S.I. 2015/100, S.S.I. 2019/57 and S.S.I. 2019/86.

(67) S.I. 2002/2443, as amended by S.I. 2004/2411, S.I. 2005/2759, S.I. 2009/1892, S.I. 2011/1043, S.I. 2018/575, S.I. 2019/88, S.I. 2019/759 and S.I. 2019/1252.

(68) S.I. 2002/3188 (W. 304), as amended by S.I. 2005/1913 (W. 156), S.I. 2005/2759, S.I. 2011/1043, S.I. 2013/755 (W. 90), S.I. 2018/1216 (W. 249), S.I. 2019/379 (W. 94), S.I. 2019/463 (W. 111), S.I. 2019/1316 (W. 228) and S.I. 2019/1492 (W. 271).

(69) S.R. 2003 No. 167 as amended by S.I. 2011/1043, S.R. 2018 No. 188, S.I. 2019/190, S.R. 2019 No. 223 and S.I. 2019/759.

- “GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001(70);”,
- (ixa) after the definition of “homogenous seed lot” insert—
- ““International Authority” means a GB Authority, the NI Authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority“ means—
- (a) by or on behalf of a GB Authority;
- (b) by or on behalf of the NI Authority; or
- (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”,
- (ixb) in the definitions of “licensed crop inspector”, “licensed seed sampler” and “licensed seed testing station”, for sub-paragraph (b) substitute—
- “(b) granted under provisions equivalent to that regulation by—
- (i) a GB Authority other than the Scottish Ministers; or
- (ii) the NI Authority;”,
- (ix) for head (x) substitute—
- “(x) omit the definition of “licensed EU crop inspector”,
- (xa) omit the definition of “National Authority”,
- (xb) after the definition of “natural seed” insert—
- ““NI Authority” means DAERA;
- “NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001;”,
- (xc) in the definitions of “official control”, “official label”, “official seal” and “official sticker”, for “a European Authority” substitute “an International Authority”,
- (xd) in the definition of “official examination”, in sub-paragraphs (a)(i) and (b)(i), for “the Scottish Ministers or a European Authority” substitute “an International Authority”,
- (xe) in the definition of “official field inspection”—
- (aa) in sub-paragraph (a), for “a European Authority” substitute “an International Authority”,
- (bb) in sub-paragraph (b), omit the words “or a licensed EU crop inspector”,
- (xf) in the definition of “official post control”, for “the relevant European Authority” substitute “an International Authority”,
- (xg) in the definition of “official post control the results of which have been satisfactory”—
- (aa) for “the relevant European Authority” substitute “an International Authority”,
- (bb) for sub-paragraph (a)(ii) substitute—

- “(ii) in the case of a GB Authority other than the Scottish Ministers, Parts I and II of schedule 4;”,
- (xh) for the definition of “registered or licensed number” substitute—
- ““registered or licensed number” means the number issued to a person who holds a licence granted under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or to a person licensed or registered under provision equivalent to that regulation by—
- (a) a GB Authority other than the Scottish Ministers; or
- (b) the NI Authority;”,
- (x) at the end insert—
- “(xiii) for the definition of “third country” substitute—
- ““third country” means any country or territory other than the British Islands;”,
- (xiv) omit the definition of “UK National List”;”,
- (b) in sub-paragraph (b)—
- (i) for head (i) substitute—
- “(i) in sub-paragraph (a), for the words “either an” to the end substitute “a country granted equivalence”;”,
- (ii) for head (ii) substitute—
- “(ii) in sub-paragraph (b), for the words “EEA state or third country” substitute “country granted equivalence”;”,
- (c) in sub-paragraph (c)—
- (i) for head (i) substitute—
- “(i) in sub-paragraph (a), for the words “either an” to the end substitute “a country granted equivalence”;”,
- (ii) for head (ii)(bb) substitute—
- “(bb) for the words “EEA state or third country” substitute “country granted equivalence”;”,
- (3) In paragraph (4)—
- (a) for sub-paragraph (a) substitute—
- “(a) in paragraph (1)(b)(i), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
- (b) after sub-paragraph (b) insert—
- “(ba) in paragraph (4), for “a European” substitute “an International”;”,
- (c) omit paragraph (d),
- (d) for paragraph (e) substitute—
- “(e) in paragraph (6)—
- (i) omit “, by reason only of Article 3(2) (component varieties) of the Common Catalogue Directive;”,
- (ii) for “the UK National List” substitute “a GB Variety List or an NI Variety List”.”.
- (4) For paragraph (5) substitute—

- “(5) In regulation 6A (importation from outside the European Union)—
- (a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,
  - (b) for “outside the European Union” substitute “a country granted equivalence”.”.
- (5) For paragraph (6), substitute—
- “(6) For regulation 7(1) (general exemptions) substitute—
- “(1) The Scottish Ministers may, by a general licence, authorise—
    - (a) a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act; or
    - (b) exemption from any provisions of these Regulations to the extent that the provisions of the general licence are—
      - (i) necessary in order to overcome any temporary difficulties in the supply of basic or certified seed—
        - (aa) by permitting the marketing of seed of a category subject to less stringent requirements, or of seed of a variety not included in a GB Variety List or an NI Variety List;
        - (bb) for a specified period; and
        - (cc) in quantities necessary to resolve the supply difficulties; or
      - (ii) permitted by Commission Regulation 217/2006 or an authorisation granted thereunder.
- (1A) The duration of a temporary experiment referred to in paragraph (1)(a) must not exceed 7 years.
- (1B) When seed is marketed in accordance with paragraph (1)(b)(i), the following labelling requirements apply—
- (a) for a category of seed of any given variety, the official label must be that provided for the corresponding category;
  - (b) for seed of varieties not included in a GB Variety List or an NI Variety List the colour of the official label must be brown;
  - (c) the label must always state that the seed in question is of a category satisfying less stringent requirements.”.”.
- (6) In paragraph (7)—
- (a) in sub-paragraph (a), for the new paragraph (1)(b) to be inserted substitute—
    - “(b) an authorisation has been granted to the producer, in respect of small quantities of seed for scientific purposes or selection work in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
      - (i) a GB Authority other than the Scottish Ministers; or
      - (ii) the NI Authority.”.
  - (b) in sub-paragraph (b), in the new paragraph (4)(a) to be inserted, for “exit” substitute “IP completion”.
- (7) In paragraph (8)—
- (a) in sub-paragraph (a), for the new paragraph (1)(b) to be inserted substitute—
    - “(b) an authorisation which has been granted to the producer, in accordance with the applicable requirements in the relevant part of the United Kingdom, by—

- (i) a GB Authority other than the Scottish Ministers; or
    - (ii) the NI Authority.”,
  - (b) for sub-paragraph (b) substitute—
    - “(b) in paragraph (4)—
      - (i) for sub-paragraph (a) substitute—
        - “(a) the seed is of a variety for which an application has been made by the applicant, which has not been withdrawn or finally determined, under—
          - (i) regulation 4(1)(a) (applications in relation to National Lists) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a GB Variety List; or
          - (ii) the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001(71) for acceptance on to an NI Variety List;”,
      - (ii) for sub-paragraph (b) substitute—
        - “(b) in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—
          - (i) before the day on which IP Completion day falls, under Part C of the 2001 Deliberate Release Directive;
          - (ii) under the Food and Feed Regulation; or
          - (iii) under the GMO Regulations;”,”,
  - (c) for paragraph (d) substitute—
    - “(d) in paragraph (9), for “UK National List” to the end substitute “GB Variety List or an NI Variety List.””,
  - (d) for paragraph (e) substitute—
    - “(e) in paragraph (10), for “names of the EEA states” to the end substitute “location of the trials within the United Kingdom.””.
- (8) In paragraph (9), in the new paragraph (7A) to be inserted, for “the United Kingdom” in each place it occurs substitute “Great Britain”.
- (9) In paragraph (10)—
- (a) in sub-paragraph (a)—
    - (i) in head (ii), in the new sub-paragraph (b) to be inserted, for heads (i) and (ii) substitute—
      - “(i) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain; or
      - (ii) by the NI Authority, in accordance with the applicable requirements in Northern Ireland; or”,
    - (ii) in head (iii), in the new sub-paragraph (c)(ii) to be inserted, for sub-heads (aa) and (bb) substitute—

- “(aa) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain, irrespective of the findings of the GB Authority; or
- (bb) by the NI Authority, in accordance with the applicable requirements in Northern Ireland, irrespective of the findings of the NI Authority.”,
- (b) for sub-paragraph (b) substitute—
- “(b) in paragraph (3), for the words “from a country” to the end substitute “into Great Britain from a country granted equivalence.”.”.
- (10) In paragraph (11)—
- (a) for sub-paragraph (a) substitute—
- “(a) in paragraph (1)—
- (i) in sub-paragraph (a), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
- (ii) for sub-paragraph (b) substitute—
- “(b) (i) any seed lot has, in order to make seed rapidly available, been certified by—
- (aa) a GB Authority other than the Scottish Ministers; or
- (bb) the NI Authority; and
- (ii) the provisional germination report on the seed has been presented by the producer to the Scottish Ministers,”.”,
- (b) for sub-paragraph (b)(i) substitute—
- “(i) for “European Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority,”.”,
- (c) for sub-paragraph (c) substitute—
- “(c) in paragraph (4), for the words “from a country” to the end substitute “into Great Britain from a country granted equivalence.”.”.
- (11) In paragraph (12), for sub-paragraphs (a) to (c) substitute—
- “(a) in paragraph (3), for “UK National List (or an equivalent list in another EEA State)” in both places where it occurs, substitute “GB Variety List or an NI Variety List,
- (b) in paragraph (4)(d) omit “or licensed EU crop inspector”.”.
- (12) For paragraph (13) substitute—
- “(13) In regulation 16 (breeder’s confirmations), in paragraphs (1)(c), (5) and (6), for the words “UK National List (or to an equivalent list in another EEA State)” in each place they occur substitute “GB Variety List or an NI Variety List”.”.
- (13) For paragraph (14) substitute—
- “(14) In regulation 17(1)(a) (sampling), for “a European” substitute “an International”.”.
- (14) In paragraph (15)—
- (a) for sub-paragraph (a) substitute—
- “(a) for paragraph (2)(b) substitute—

- “(b) sealed in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.””,
- (b) for sub-paragraph (b) substitute—
- “(b) in paragraph (5)—
- (i) in the words before sub-paragraph (a), omit “EC”,
- (ii) in sub-paragraph (b), for “National Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority”,
- (c) in paragraph (6), omit “EC.”.
- (15) In paragraph (16)(a)(ii), for the new sub-paragraph (b) to be inserted substitute—
- “(b) where it is sealed in any other part of the United Kingdom, must—
- (i) be labelled in accordance with the applicable requirements for labelling in the relevant part of the United Kingdom in relation to the relevant category of seed, and
- (ii) contain an official document in accordance with the applicable requirements for official documents in the relevant part of the United Kingdom.”.
- (16) In paragraph (18)—
- (a) in the new regulation 23A to be inserted, in the heading and the regulation, after “Crown Dependency” insert “or a country granted equivalence”,
- (b) in the new regulation 23B to be inserted—
- (i) in the heading and the regulation, for “exit” in each place it occurs substitute “IP completion”,
- (ii) for “two years” substitute “twelve months”.
- (17) In paragraph (19)—
- (a) for sub-paragraph (a) substitute—
- “(a) in the definition of “Pre-basic Seed”, for paragraph 2(c)(ii) substitute—
- “(ii) has been certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in sub-paragraphs (a) and (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom.””,
- (b) for sub-paragraph (b) substitute—
- “(b) in the definition of “Basic Seed”, for paragraph 3(c)(ii) substitute—
- “(ii) has been certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in sub-paragraphs (a) and (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom.””,
- (c) for sub-paragraph (c) substitute—
- “(c) in the definition of “Certified Seed”, for paragraph 4(b)(ii) substitute—
- “(ii) has been certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in sub-paragraph (a) and the applicable requirements for Certified Seed in the relevant part of the United Kingdom.””.
- (18) In paragraph (20)—
- (a) in sub-paragraph (a)—

(i) for head (ii) substitute—

“(ii) for paragraph 4 (applications for seed harvested in an EEA State or third country) substitute—

**“Applications for seed harvested outside the United Kingdom**

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 15(1) for the issue of an official certificate in respect of a seed lot as Pre-Basic Seed, Basic Seed or Certified Seed, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

(2) An official certificate may only be issued under sub-paragraph (1) if—

(a) the seed has been—

(i) produced directly from—

(aa) fully certified Basic Seed or Certified Seed,  
or

(bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed in accordance with these Regulations,

(ii) harvested outside the United Kingdom, and

(iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed;

(b) the seed has been—

(i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations,

(ii) harvested outside the United Kingdom, and

(iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed; or



- (c) the seed—
  - (i) is to be certified by the Scottish Ministers as Basic Seed,
  - (ii) has been produced directly from—
    - (aa) fully certified Pre-basic Seed, or
    - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Pre-basic Seed in accordance with these Regulations,
  - (iii) has been harvested outside the United Kingdom, and
  - (iv) has been shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed.
- (3) In the case of seed which has been harvested in a country granted equivalence, an official certificate may only be issued under sub-paragraph (1) provided that—
  - (a) the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Part 1 of Schedule 4; and
  - (b) has been packed in a sealed package in accordance with the requirements of regulation 18 (sealing of packages of seed) and has been labelled in accordance with the requirements of regulation 19 (labelling of packages of seed) and Schedule 6.”,”
- (b) for paragraph (b) substitute—
  - “(b) in Part II (breeder’s confirmations), in paragraph (7)(d) (when applications may be refused), for “UK National List (or to an equivalent list in an EEA state)” substitute “GB Variety List or an NI Variety List”.”.
- (19) For paragraph (21) substitute—
  - “(21) In Schedule 4 (requirements for Pre-Basic Seed, Basic Seed, Certified Seed and Seed of a Conservation Variety), in Part I (conditions relating to crops from which seed is obtained)—
    - (a) in paragraph 2(1) (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”,
    - (b) in paragraph 5(2) (isolation distances – minimum distances), for “the Common Catalogue or UK National List” substitute “a GB Variety List or an NI Variety List”.”.
- (20) In paragraph (22)—
  - (a) in sub-paragraph (b)(i), for “UK” substitute “GB”,
  - (b) for sub-paragraph (c) substitute—

- “(c) in paragraph 6(a) (official label for a package of test and trial seed)—
  - (i) in head (ii), for “EEA State or their distinguishing abbreviation” substitute “country or country initials”,
  - (ii) in head (vii), for “the UK National” substitute “a GB Variety”,
- (c) in sub-paragraph (d)—
  - (i) in head (i), for “UK” substitute “GB”,
  - (ii) in head (ii), for sub-paragraph (2) to be inserted substitute—
    - “(2) Where a package of seed of a Conservation Variety is sealed in any other part of Great Britain, it must be labelled in accordance with the requirements for labelling applicable in the relevant part of Great Britain.”,
- (d) for sub-paragraph (f) substitute—
  - “(f) in Part V (information in respect of seed imported from countries which are not EEA States in packages exceeding 2 kilograms net weight)—
    - (i) in the heading, for “which are not EEA States” substitute “outside the United Kingdom”,
    - (ii) in paragraph 13 (information to be supplied in respect of seed imported from a country which is not an EEA State in a package exceeding 2 kilograms net weight)—
      - (aa) in the heading, for “which is not an EEA State” substitute “outside the United Kingdom”,
      - (bb) in the text before sub-paragraph (a), for “which is not an EEA State” substitute “outside the United Kingdom”,
- (e) for sub-paragraph (g) substitute—
  - “(g) in Part VI (printing of specified matters on packages (whole bag labelling)), in paragraph 17 (seed packages sealed in the United Kingdom but not in Scotland, or in an EEA State other than the United Kingdom)—
    - (i) in the heading, for “an EEA State” substitute “a country”,
    - (ii) for “EEA State” in both places where it occurs, substitute “country”,
    - (iii) for “the Department of Agriculture and Rural Development” substitute “DAERA”.

### **Amendments relating to the Seed Potatoes (Scotland) Regulations 2015**

17.—(1) Regulation 16 (the Seed Potatoes (Scotland) Regulations 2015) is amended as follows.

(2) In paragraph (2)—

(a) before sub-paragraph (a) insert—

“(za) after the definition of “agricultural unit” insert—

““applicable GB grade” means—

- (a) in relation to seed potatoes produced in Scotland, the GB grade determined in respect of those seed potatoes under regulation 8(2)(a) or, as the case may be, under regulation 15(2), and—
  - (i) in the case of pre-basic seed potatoes, means GB grade PBTC or GB grade PB;
  - (ii) in the case of basic seed potatoes, means GB grade S, GB grade SE, or GB grade E;

- (b) in relation to seed potatoes produced in a part of Great Britain other than Scotland, the GB grade determined in accordance with the relevant seed potatoes regulations,  
and references in these Regulations to “GB grade PBTC”, “GB grade PB”, “GB grade S”, “GB grade SE” and “GB grade E” are to be construed accordingly;”
- (b) in sub-paragraph (a)(ii), for “a member State or Switzerland” substitute “Northern Ireland”,
- (c) omit sub-paragraph (b),
- (d) in sub-paragraph (c)—
  - (i) in the new head (i) to be inserted, for “the United Kingdom” substitute “Great Britain”,
  - (ii) in the new head (ii) to be inserted, after “Crown Dependency” insert “or a country granted equivalence”,
  - (iii) omit the new head (iii) to be inserted,
- (e) after sub-paragraph (c) insert—
  - “(ca) omit the definition of “Common Catalogue”,
  - (cb) after the definition of “Council [Directive 2002/56/EC](#)” insert—  
““country granted equivalence” means a country that has been assessed by Scottish Ministers as producing seed potatoes under conditions equivalent to those required by these Regulations;”
- (f) after sub-paragraph (d) insert—
  - “(da) after the definition of “declared net weight” insert—  
““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,”
- (g) for sub-paragraph (e) substitute—
  - “(e) after the definition of “[Directive 2001/18/EC](#)” insert—  
““equivalent grade” means—
    - (a) for Northern Ireland, an equivalent Union grade;
    - (b) for a Crown Dependency or a country granted equivalence, a grade recognised by Scottish Ministers as being equivalent to a GB grade;“equivalent Union grade” means—
    - (a) for “GB grade PBTC”, “Union grade PBTC”;
    - (b) for “GB grade PB”, “Union grade PB”;
    - (c) for “GB grade S”, “Union grade S”;
    - (d) for “GB grade SE”, “Union grade SE”;
    - (e) for “GB grade E”, “Union grade E”;”,”
- (h) for sub-paragraph (g) substitute—
  - “(g) for the definition of “grade” substitute—  
““grade” includes the GB grade;  
“GB Variety List” means a list of varieties of potato species prepared and published in accordance with regulation 3 of the National Lists Regulations;”

- (ga) omit the definition of “National List”,
- (gb) after the definition of “National Lists Regulations” insert—
  - ““NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001(72);”,
- (i) in sub-paragraph (h), in the new definition of “official document” to be inserted, in sub-paragraph (b)—
  - (i) in head (i), for “the United Kingdom” substitute “Great Britain”,
  - (ii) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
  - (iii) omit head (iii),
- (j) in sub-paragraph (i), in the new sub-paragraph (b) to be inserted—
  - (i) in head (i), for “the United Kingdom” substitute “Great Britain”,
  - (ii) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
  - (iii) omit head (iii),
- (k) for sub-paragraph (j) substitute—
  - “(j) for the definition of “outside Scotland” substitute—
    - ““outside Scotland”, in relation to the place of production of seed potatoes means—
    - (a) any part of the British Islands other than Scotland; or
    - (b) a country granted equivalence;”
- (l) in sub-paragraph (k), in the text to be inserted—
  - (i) in head (i), for “the United Kingdom” substitute “Great Britain”,
  - (ii) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
  - (iii) omit head (iii),
- (m) in sub-paragraph (n), in the text to be inserted—
  - (i) in head (i), for “the United Kingdom” substitute “Great Britain”,
  - (ii) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
  - (iii) omit head (iii),
- (n) in sub-paragraph (o), in the text to be inserted—
  - (i) in head (i), for “the United Kingdom” substitute “Great Britain”,
  - (ii) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
  - (iii) omit head (iii).
- (3) For paragraph (3) substitute—
  - “(3) Omit regulation 2(3).”.
- (4) In paragraph (4)—
  - (a) before sub-paragraph (a) insert—
    - “(za) in paragraph (3)—
    - (i) in sub-paragraph (a), for “the United Kingdom” substitute “Great Britain”,

- (ii) in sub-paragraph (b), for “National List” substitute “GB Variety List or NI Variety List”,
- (b) for sub-paragraph (a) substitute—
  - “(a) in paragraph (5), for “Union” substitute “GB”,
- (c) in sub-paragraph (b), in the new sub-paragraph (b) to be inserted, for “United Kingdom” and “UK” in each place they occur substitute “GB”.
- (5) In paragraph (5)—
  - (a) in sub-paragraph (a), in the new paragraph (4) to be inserted—
    - (i) in the new sub-paragraph (a), for “the National List” substitute “a GB Variety List or an NI Variety List”,
    - (ii) in the new sub-paragraph (b)(i), for “exit” substitute “IP completion”,
    - (iii) in the new sub-paragraph (d), for “the United Kingdom” substitute “Great Britain”,
  - (b) after sub-paragraph (a) insert—
    - “(aa) in paragraph (6)(a)(ii), for “member States” substitute “countries”,
  - (c) for sub-paragraph (b) substitute—
    - “(b) in paragraph 8(b), for the words “the National List” to the end substitute “a GB Variety List or an NI Variety List.”.
- (6) In paragraph (6), in the new paragraph (3)(a) to be inserted, for “exit” substitute “IP completion”.
- (7) In paragraph (7)(b), in the new paragraph (2A) to be inserted, for “the United Kingdom” in each place it occurs substitute “Great Britain”.
- (8) In paragraph (8) for “United Kingdom” and “UK” in each place they occur substitute “GB”.
- (9) In paragraph (9) for “United Kingdom” substitute “GB”.
- (10) In paragraph (10), in the new sub-paragraph (b) to be inserted—
  - (a) in head (i), for “the United Kingdom” substitute “Great Britain”,
  - (b) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
  - (c) omit head (iii).
- (11) In paragraph (11), for “United Kingdom” in each place it occurs substitute “GB”.
- (12) In paragraph (13), in the new regulation 23A to be inserted, for “exit” in each place it occurs substitute “IP completion”.
- (13) In paragraph (14)—
  - (a) in sub-paragraphs (a), (b) and (d), for “United Kingdom” and “UK” in each place they occur substitute “GB”,
  - (b) for sub-paragraph (c) substitute—
    - “(c) in paragraph 3—
      - (i) in sub-paragraph (a), for the words “the National List” to the end substitute “a GB Variety List or an NI Variety List”,
      - (ii) in sub-paragraph (b), for “the National List” substitute “a GB Variety List or an NI Variety List”,
- (14) In paragraph (15)—
  - (a) in sub-paragraph (a)—
    - (i) in heads (i) and (ii), for “UK” substitute “GB”,

- (ii) for head (iii) substitute—
  - “(iii) in the entry for grade “PB”—
    - (aa) in column 2 (source material), for “Union grade PBTC” substitute “GB grade PBTC or the equivalent grade”,
    - (bb) in column 3 (other requirements), for “Union grade S” substitute “GB grade S or the equivalent grade”,”,
- (b) in sub-paragraph (b)—
  - (i) in head (i), for “UK” substitute “GB”,
  - (ii) for heads (ii) to (iv) substitute—
    - “(ii) in the entry for grade “S”, in column 2 (source material), for “Union grade PBTC or PB” substitute “GB grade PBTC or PB or the equivalent grade”,
    - (iii) in the entry for grade “SE”, in column 2, for “Union grade PBTC, PB, or S” substitute “GB grade PBTC, PB or S or the equivalent grade”,
    - (iv) in the entry for grade “E”, in column 2, for “Union grade PBTC, PB, S or SE” substitute “GB grade PBTC, PB, S or SE or the equivalent grade”.”.
- (15) In paragraph (16), in sub-paragraphs (a) to (c), for “UK” and “United Kingdom” in each place they occur substitute “GB”.
- (16) In paragraph (18), in sub-paragraphs (b)(i)(bb) and (c)(i)(bb), for “UK” substitute “GB”.
- (17) In paragraph (20)—
  - (a) in sub-paragraph (a), for “United Kingdom” and “UK” in each place they occur substitute “GB”,
  - (b) in sub-paragraph (b), for “UK” substitute “GB”,
  - (c) in sub-paragraph (c), for “UK” in each place it occurs substitute “GB”.

### **Amendments relating to the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017**

**18.**—(1) Regulation 18 (the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017) is amended as follows.

- (2) In paragraph (2)—
  - (a) in sub-paragraph (a)—
    - (i) for “paragraph” substitute “sub-paragraph”,
    - (ii) in the new sub-paragraph (b) to be inserted—
      - (aa) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
      - (bb) omit head (iii),
  - (b) for sub-paragraph (b) substitute—
    - “(b) after the definition of “Commission Implementing [Directive 2014/98/EU](#)” insert—
      - ““country granted equivalence” means a country that has been assessed by Scottish Ministers as producing plant material under conditions equivalent to those required by these Regulations;
      - “Crown Dependency” means the Isle of Man or any of the Channel Islands;”

- (c) in sub-paragraph (e)—
  - (i) for “paragraph” substitute “sub-paragraph”,
  - (ii) in the new sub-paragraph (b) to be inserted—
    - (aa) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
    - (bb) omit head (iii),
- (d) in sub-paragraph (f)—
  - (i) for “paragraph” substitute “sub-paragraph”,
  - (ii) in the new sub-paragraph (b) to be inserted—
    - (aa) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
    - (bb) omit head (iii),
- (e) in sub-paragraph (i), for “paragraph” substitute “sub-paragraph”,
- (f) after sub-paragraph (j) insert—
  - “(ja) in the definition of “RNQP”, for “Union” substitute “GB””.
- (3) In paragraph (3)—
  - (a) in sub-paragraph (a), in the new sub-paragraph (c)(iii) to be inserted, for “exit” substitute “IP completion”,
  - (b) in sub-paragraph (b), in the new paragraph (5) to be inserted—
    - (i) after sub-paragraph (a), insert “and”,
    - (ii) after sub-paragraph (b), omit “and”,
    - (iii) omit sub-paragraph (c).
- (4) Omit paragraph (4).
- (5) After paragraph (4) insert—
  - “(4A) In regulation 19 (notices), in paragraph (7), for “the United Kingdom” in each place it occurs substitute “Great Britain””.
- (6) In paragraph (5), in the new regulation 23A to be inserted—
  - (a) in the heading and the regulation, for “exit” in each place it occurs substitute “IP completion”,
  - (b) for “two years” substitute “twelve months”.
- (7) In paragraph (6), after sub-paragraph (c) insert—
  - “(d) in paragraph 10(5)(a)(ii) (health requirements for pre-basic mother plants and for pre-basic material), omit sub-sub-head (bb),
  - (e) in paragraph 17(5)(a)(ii) (health requirements for basic mother plants and basic material), omit sub-sub-head (bb),
  - (f) in paragraph 23(5)(a)(ii) (health requirements for certified mother plants and certified material), omit sub-sub-head (bb).”.
- (8) In paragraph (7)—
  - (a) in sub-paragraph (b)(i), in the new head (c)(iii) to be inserted, for “exit” substitute “IP completion”,
  - (b) in sub-paragraph (c)(ii), in the new head (d)(iii) to be inserted, for “exit” substitute “IP completion”,

- (c) in sub-paragraph (e), in the new sub-head (ii)(cc) to be inserted, for “exit” substitute “IP completion”,
- (d) in sub-paragraph (f), in the new head (d)(ii) to be inserted, for “exit” substitute “IP completion”.
- (9) In paragraph (8), omit sub-paragraph (c)(iii).
- (10) After paragraph (8) insert—
  - “(8A) In schedule 7 (visual inspections, sampling and testing per genus or species and category), in paragraph 2(a), for “Union” substitute “GB”.”

### **The Forestry (EU Exit) (Scotland) (Amendment etc.) Regulations 2019**

**19.**—(1) Regulation 66 (the Forest Reproductive Material (Great Britain) Regulations 2002) of the Forestry (EU Exit) (Scotland) (Amendment etc.) Regulations 2019(73) is amended as follows.

- (2) In paragraph (3)—
  - (a) omit sub-paragraph (a),
  - (b) after sub-paragraph (b) insert—
    - “(ba) before the definition of “crossing design” insert—
      - ““country granted equivalence” means a country that has been assessed by Scottish Ministers as producing the categories of forest reproductive material referred to in regulation 4 under conditions equivalent to those required by these Regulations;”
  - (c) in sub-paragraph (c), for the new definition of “the Department” to be inserted by that sub-paragraph, substitute—
    - ““Crown Dependency” means the Isle of Man or any of the Channel Islands;
    - “the Department” has the meaning given in the NI Regulations;”
  - (d) for sub-paragraph (g) substitute—
    - “(g) in the definition of “Master Certificate”—
      - (i) in paragraph (b), for “official body for Northern Ireland” to the end substitute “Department in accordance with regulation 13 of the NI Regulations”;
      - (ii) omit paragraph (c);
      - (iii) in paragraph (d)—
        - (aa) for “EU-approved third country” substitute “OECD country granted equivalence”;
        - (bb) for the words from “a relevant” to the end substitute “the Department in accordance with the NI Regulations”;
      - (iv) in paragraph (e)—
        - (aa) for “permitted third country” substitute “non-OECD country granted equivalence”;
        - (bb) for “an official body of a member State” substitute “the Department”;
    - (v) after paragraph (e) insert—



- “(f) in the case of forest reproductive material produced in a Crown Dependency, an official certificate issued in relation to the material by an official body of that Crown Dependency under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations;”,
- (e) after sub-paragraph (i) insert—
- “(ia) after the definition of “the 1973 Regulations” insert—
- ““non-OECD country granted equivalence” means a country granted equivalence and which is not a member of the OECD Scheme;
- “OECD country granted equivalence” means a country granted equivalence and which is a member the OECD Scheme;
- the “OECD Scheme” means the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade adopted by Decision C(2007)69 of the Council of the Organisation for Economic Co-operation and development, as last amended by Decision CA(2018)14 of the Committee for Agriculture(74),”
- (f) in sub-paragraph (j)—
- (i) in paragraph (i), for “paragraph (b)” substitute “paragraphs (a) and (b)”;
- (ii) for paragraph (ii) substitute—
- “(ii) in paragraph (c), for “a permitted third country” substitute “a country granted equivalence or a Crown Dependency”;”
- (g) for sub-paragraph (k) substitute—
- “(k) omit the definitions of “permitted third countries” and “plant passport”, ”
- (h) in sub-paragraph (m), in the new definition of “third country” to be inserted by that sub-paragraph, for “United Kingdom” substitute “British Islands”,
- (i) in sub-paragraph (n), for “Plant Health (Forestry) order 2005” substitute “EU Plant Health Regulation”.
- (3) After paragraph (4) insert—
- “(4A) In regulation 3, for “to third countries” substitute “outside of Great Britain”.”
- (4) In paragraph (7)(a)(ii), for the words from “for “an EU-approved”” to the end, substitute “for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”;”.
- (5) In paragraph (8)(a)—
- (a) omit head (ii),
- (b) for head (iii) substitute—
- “(iii) in sub-paragraph (c), for “EU-approved third country and imported from a third country” substitute “OECD country granted equivalence and imported”;”,
- (c) after head (iv) insert—
- “(iva) in sub-paragraph (e) for “permitted third country and imported from a third country” substitute “non-OECD country granted equivalence and imported”;”,
- (d) for head (v) substitute—
- “(v) after sub-paragraph (e) insert—

(74) <https://www.oecd.org/agriculture/forest/documents/forest-scheme-rules-and-regulations.pdf>.

- “(ea) in the case of forest reproductive material imported into Northern Ireland, it met the requirements set out in the NI Regulations as to entry into Northern Ireland and was accompanied on its entry into Scotland by the supplier’s label or document required by regulation 19 of the NI Regulations;
  - (eb) in the case of forest reproductive material produced in a Crown Dependency and imported into Scotland, it has met the requirements set out in legislation of that Crown Dependency which is recognised by Scottish Ministers to have equivalent effect to these Regulations and was accompanied on its entry into Scotland by a supplier’s label or document as required by regulation 23A;”;
- (6) In paragraph (10)—
- (a) in sub-paragraph (a), for head (i) substitute—
    - “(i) in sub-paragraph (e), for “another member State or a third country” substitute “a Crown Dependency or a country granted equivalence”;
  - (b) for sub-paragraph (b) substitute—
    - “(b) in paragraph (3), for “an EU-approved third country” substitute “a country granted equivalence”.
- (7) In paragraph (11), for “United Kingdom” substitute “British Islands”.
- (8) For paragraph (12) substitute—
- “(12) Omit regulation 21.”.
- (9) After paragraph (14) insert—
- “(14A) After regulation 23 insert—

**“Imports into Great Britain from a Crown Dependency**

**23A.** No person acting in the course of a business or trade whether or not for profit will import from a Crown Dependency forest reproductive material into a relevant territory intending to market that material unless it is accompanied by a supplier’s label or document setting out the particulars required under legislation of that Crown Dependency which is recognised by the Scottish Ministers as having equivalent effect to regulation 19 of these Regulations.”

- (10) For paragraph (16) substitute—
- “(16) In regulation 25A—
    - (a) in the heading, for “third countries” substitute “countries granted equivalence”;
    - (b) in paragraphs (1) and (2), for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”;
    - (c) in paragraph (6), for “EU-approved third country” substitute “OECD country granted equivalence”.
- (11) In paragraph (25)—
- (a) for sub-paragraph (a) substitute—
    - “(a) in paragraph 1, for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”;
  - (b) in sub-paragraph (b)—
    - (i) after head (i) insert—

- “(ia) omit the definition of “the OECD Scheme”,
- (ii) for head (ii) substitute—
  - “(ii) in the definition of “permitted material”—
    - (aa) in sub-paragraph (a), for “an EU-approved third country” substitute “an OECD country granted equivalence”,
    - (bb) in sub-paragraph (a)(iii), after ““selected”” insert “, “tested””,
    - (cc) in sub-paragraph (b), for “permitted third country” substitute “non-OECD country granted equivalence”,
    - (dd) in sub-paragraph (b)(i), for the words from “second” to the end, substitute “authorisation for that country published by the Scottish Ministers;”,
    - (ee) omit the table below sub-paragraph (b),”,
- (c) for sub-paragraph (c) substitute—
  - “(c) in paragraph 3, for “EU-approved third country” substitute “OECD country granted equivalence”,
  - (d) in paragraph 6 and in the heading, after “the “qualified category”” insert “or the “tested category””,
  - (e) in paragraph 7, for “permitted third country” substitute “non-OECD country granted equivalence”.”.

## PART 4

### Miscellaneous

#### **Revocation**

**20.** The instruments listed in column 1 of the table in the schedule are revoked to the extent specified in the corresponding entry in column 3 of that table.

St Andrew’s House,  
Edinburgh  
18th December 2020

*JENNY GILRUTH*  
Authorised to sign by the Scottish Ministers

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## SCHEDULE

Regulation 20

## Revocation of instruments

| <i>Column 1</i>   | <i>Column 2</i>                 | <i>Column 3</i>  |
|---|---------------------------------|--|
| Instrument revoked  | Reference                       | Extent of revocation   |
| The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019                     | <a href="#">S.S.I. 2019/190</a> | Regulations 3 and 4.   |
| The Seed, Propagating Material and Common Agricultural Policy (EU Exit) (Scotland) (Amendment) Regulations 2019 | <a href="#">S.S.I. 2019/289</a> | Regulation 3;<br><br>in regulation 5, the words “9(2)(a)(ix) (the Vegetable Seeds Regulations 1993),” and “and (d)”. |

**EXPLANATORY NOTE**

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

These Regulations are principally made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. They do so by amending provisions contained in four SSIs concerning the marketing of agricultural seed, fruit and vegetative plant propagating material and forest reproductive material (“the Existing Exit SSIs”) that were made in anticipation of the United Kingdom withdrawing from the European Union in March 2019; because withdrawal was delayed until January 2020 and circumstances changed in the intervening period, many of the provisions in the Existing Exit SSIs had to be amended to ensure they would, on coming into force, have the desired effect.

Part 2 (regulations 2 to 8), made in exercise of powers under the European Communities Act 1972 (c.68), makes amendments to secondary legislation concerning the marketing of agricultural seed and fruit plant propagating material to update references to a number of EU instruments referred to therein.

Part 3 (regulations 9 to 19) makes amendments to the Existing Exit SSIs consequential to changes in circumstances in the period since the United Kingdom’s anticipated withdrawal from the European Union in March 2019.

Part 4 (regulation 20) revokes certain provisions contained in two of the Existing Exit SSIs as a result of changes in circumstances in the period since the United Kingdom’s anticipated withdrawal from the European Union in March 2019.

A business and regulatory impact assessment has not been produced for this instrument as no, or no significant, impact upon business, charities or voluntary bodies is foreseen.

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