

SCHEDULE 1

INTERPRETATION

PART III

MEANING OF CS SEED AND SIMILAR EXPRESSIONS

CS seed

- 20.** In these Regulations “CS seed” means seed that —
- (a) has been produced directly from officially certified basic seed or, with the breeder’s authority, from officially certified pre-basic seed, and
 - (b) is intended for purposes other than the production of vegetable seed.

UK officially certified CS seed of a listed variety

21.—(1) In these Regulations “UK officially certified CS seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to —
- (a) seed of a listed variety officially certified as CS seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
 - (b) seed of a previously listed variety officially certified as CS seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to —
- (a) CS seed of a listed variety —
 - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS seed is to be produced;
 - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for CS seed; and
 - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test (whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for CS seed;
 - (b) CS seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iii) and for which a marketing extension is in force;
 - (c) CS seed of a listed variety —
 - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State, and
 - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
 - (d) CS seed of a previously listed variety —
 - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State;

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- (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (iii) for which a marketing extension is in force; and
- (e) CS seed —
 - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State or an equivalent third country;
 - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
 - (iii) of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the Secretary of State under regulation 13 to re-grade it as CS seed.

EC officially certified CS seed of a listed variety

22. In these Regulations “EC officially certified CS seed of a listed variety” means —

- (a) CS seed of a listed variety officially certified as CS seed by or on behalf of the competent seed certification authority in another member State, and
- (b) CS seed of a previously listed variety officially certified as CS seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

Overseas tested officially certified CS seed of a listed variety

23. In these Regulations “overseas tested officially certified CS seed of a listed variety” means CS seed —

- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop had been found to satisfy the relevant Directive crop conditions for CS seed;
- (b) for which a seed test report has been issued by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, stating that the seed has been found to satisfy the relevant Directive seed conditions for CS seed;
- (c) that has been imported into the United Kingdom as CS seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
- (d) that is accompanied by —
 - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
 - (ii) the seed test report referred to in paragraph (b).

UK officially certified early movement CS seed of a listed variety

24.—(1) In these Regulations “UK officially certified early movement CS seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to —
- (a) seed of a listed variety officially certified as early movement CS seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
 - (b) seed of a previously listed variety officially certified as early movement CS seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to —
- (a) CS seed of a listed variety —
 - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS seed is to be produced;
 - (ii) that, subject to sub-paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for CS seed;
 - (iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for CS seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and
 - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test (whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for CS seed;
 - (b) CS seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iv) and for which a marketing extension is in force;
 - (c) CS seed of a listed variety —
 - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State, and
 - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
 - (d) CS seed of a previously listed variety —
 - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State;
 - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
 - (iii) for which a marketing extension is in force,other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the Secretary of State under regulation 13 to re-grade it as early movement CS seed.

EC officially certified early movement CS seed of a listed variety

25. In these Regulations “EC officially certified early movement CS seed of a listed variety” means —

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- (a) CS seed of a listed variety officially certified as early movement CS seed by or on behalf of the competent seed certification authority in another member State, and
- (b) CS seed of a previously listed variety officially certified as early movement CS seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

Officially certified CS seed

26. In these Regulations “officially certified CS seed” means —

- (a) UK officially certified CS seed of a listed variety;
- (b) EC officially certified CS seed of a listed variety;
- (c) overseas tested officially certified CS seed of a listed variety;
- (d) UK officially certified early movement CS seed of a listed variety; and
- (e) EC officially certified early movement CS seed of a listed variety.

Early multiplication

27.—(1) The requirement contained in paragraph 20(a) (that CS seed be produced directly from officially certified basic seed, or, with the breeder’s authority, from officially certified pre-basic seed) shall be treated as having been complied with in relation to CS seed in a case where —

- (a) the CS seed (“the harvested CS seed”) was harvested from a crop produced from pre-basic seed to which sub-paragraph (2) applies or basic seed to which sub-paragraph (3) or (4) applies, and
 - (b) the variety of the harvested CS seed was not listed at the time when the pre-basic or basic seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.
- (2) This sub-paragraph applies to pre-basic seed —
- (a) that has been harvested from a crop —
 - (i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced, or
 - (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority in that State to satisfy the Directive crop conditions for basic seed;
 - (b) that —
 - (i) was found by an official UK seed test to satisfy the conditions laid down in Part II of Schedule 4 for basic seed, or
 - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority in another member State to satisfy the Directive seed conditions for basic seed; and
 - (c) that was of the same variety as the harvested CS seed.
- (3) This sub-paragraph applies to basic seed —
- (a) that has been harvested from a crop —
 - (i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced, or

- (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority in that State to satisfy the Directive crop conditions for basic seed;
- (b) that —
 - (i) was found by an official UK seed test to satisfy the conditions laid down in Part II of Schedule 4 for basic seed, or
 - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority to satisfy the Directive seed conditions for basic seed; and
- (c) that was of the same variety as the harvested CS seed.
- (4) This sub-paragraph applies to basic seed of a component of a hybrid variety —
 - (a) that complied with the requirements of sub-paragraph (3)(a) and (b), and
 - (b) that was a component in the production of the harvested CS seed of the hybrid variety.