

SCHEDULE 4

Regulation 9(2)

Exceptions

PART 1

Supply of seed other than by way of marketing

Early multiplication of seed

- 1.—(1) Seed of an unlisted variety may be supplied by a person licensed to market seed for multiplication for progression through the different generation categories of seed.
- (2) Each generation of seed supplied must have reached the standard required for certification.
- (3) The seed produced must remain the property of the licensed person, and may not be marketed.

Seed as grown

2. Seed as grown may be sent by the grower for cleaning prior to certification, and to a testing or inspection body for the purposes of certification.

Farm saved seed

3. Farm-saved seed may only be used by the person who grew it, and may not be marketed or supplied to any other person, but it may be sent for cleaning provided that the person who cleans it returns all the seed to the holding where it was grown.

PART 2

Marketing seed that does not comply with Schedule 2

Seed with a declared lower germination

- 4.—(1) Pre-basic and basic seed with a minimum percentage germination standard lower than required in [F1these Regulations] relating to that seed specified in Schedule 2 may be marketed provided that the supplier guarantees a specific minimum percentage germination.
- (2) The germination must be stated on the official label together with the supplier's name and address and the reference number of the seed lot.

F1 Words in Sch. 4 para. 4(1) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), 7(15)(a); 2020 c. 1, Sch. 5 para. 1(1)

Early movement of seed

- 5.—(1) To ensure the early availability of seed, pre-basic, basic and certified seed may be marketed before the official germination result has been received if—
 - (a) a seed test report has been issued under these Regulations, indicating that the seed has achieved the required minimum analytical purity standard set out in the Directive relating to that seed specified in Schedule 2, and

(b) the supplier guarantees the minimum germination for that seed.

[^{F2}(2) This does not apply in the case of seed imported [^{F3}into the United Kingdom].]

F2 Sch. 4 para. 5(2) substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, **8(a)**

F3 Words in Sch. 4 para. 5(2) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Tetrazolium testing for cereal seed

6. Cereal seed may be marketed if it has been subjected to a tetrazolium test approved by the Secretary of State to establish the viability of the seed instead of the tests specified in [^{F4}these Regulations] on the marketing of cereal seed⁽¹⁾.

F4 Words in Sch. 4 para. 6 substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Marketing seed of conservation varieties

7.—(1) The Secretary of State may authorise the marketing of seed of a conservation variety in accordance with this paragraph.

(2) The seed must be of a variety listed as a conservation variety in the [^{F5}GB Variety] List.

(3) The seed must be produced from a crop grown in the region of origin specified for the variety in the [^{F5}GB Variety] List or as authorised by the Secretary of State.

(4) The seed may only be marketed and used in the stated region of origin.

(5) The total amount of seed marketed in any year must be limited in accordance with Article 14 of Commission Directive [2008/62/EC](#)⁽²⁾ (which relates to agricultural conservation varieties) and Article 15 of and Annex I to Commission Directive [2009/145/EC](#)⁽³⁾ (which relates to vegetable conservation varieties).

[^{F6}(5A) For the purposes of sub-paragraph (5)—

(a) Article 14 of Commission Directive [2008/62/EC](#) is to be read as if—

(i) in the first paragraph—

(aa) the words “Each Member State shall ensure that, ” were omitted;

(bb) for the reference to “that Member State” there were substituted “Great Britain”;

(ii) in the second paragraph—

(aa) the words “in each Member State” were omitted;

(bb) for the references to “the Member State”, in both places where it occurs, there were substituted “Great Britain”;

(b) Article 15 of Commission Directive [2009/145/EC](#) is to be read as if—

(1) OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

(2) OJ No L 162, 21.6.2008, p. 13.

(3) OJ No L 312, 27.11.2009, p. 44.

- (i) the words “Each Member State shall ensure that” were omitted;
 - (ii) for “does” there were substituted “must”.]
- (6) Except in the case of seed of a vegetable conservation variety which is verified as standard seed, the seed must descend from seed produced according to well-defined practices for maintenance of the variety.
- (7) In the case of beet seed, cereal seed, fodder plant seed and oil and fibre seed, the seed must comply with the requirements for certification of certified seed set out in [^{F7}these Regulations], except the requirements in respect of minimal varietal purity and examination.
- (8) Vegetable seed must comply with—
- (a) the requirements for certification of certified seed set out in [^{F8}Schedule 2], except the requirements in respect of minimal varietal purity and examination; or
 - (b) the requirements for marketing of standard seed set out in [^{F9}these Regulations], except the requirements in respect of minimal varietal purity.
- (9) Seed of a conservation variety must have sufficient varietal purity.
- (10) The seed must not be sold as loose seed under paragraph 26 of Schedule 3.
- (11) The seed must be labelled with a supplier’s label or a printed or stamped notice which, in addition to complying with the applicable provisions of the paragraph of Part 4 of Schedule 3 which applies to the type of seed in question (except provisions specifying a colour of label)—
- (a) contains—
 - (i) in the case of an agricultural conservation variety, the words “conservation variety”, or
 - (ii) in the case of a vegetable conservation variety, the words “certified seed of a conservation variety” or “standard seed of a conservation variety”;
 - (b) states the region of origin; and
 - (c) is coloured brown.
- (12) In this regulation “conservation variety” has the meaning given by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001⁽⁴⁾.

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| F5 | Words in Sch. 4 para. 7(2)(3) substituted (31.12.2020) by S.I. 2019/131 , regs. 1(b) , 7(15)(d)(ai) (as inserted by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(a) , 29(5)(k)(i)(aa) ; 2020 c. 1, Sch. 5 para. 1(1)) |
| F6 | Sch. 4 para. 7(5A) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1(b) , 7(15)(d)(i) (as amended by S.I. 2020/1388 , regs. 1(2)(a) , 29(5)(k)(i)(bb)); 2020 c. 1, Sch. 5 para. 1(1)) |
| F7 | Words in Sch. 4 para. 7(7) substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1(b) , 7(15)(d)(ii) ; 2020 c. 1, Sch. 5 para. 1(1)) |
| F8 | Words in Sch. 4 para. 7(8)(a) substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1(b) , 7(15)(d)(iii)(aa) ; 2020 c. 1, Sch. 5 para. 1(1)) |
| F9 | Words in Sch. 4 para. 7(8)(b) substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/131), regs. 1(b) , 7(15)(d)(iii)(bb) ; 2020 c. 1, Sch. 5 para. 1(1)) |

(4) [S.I. 2001/3510](#); the definition of “conservation variety” was inserted by [S.I. 2009/1273](#) and substituted by [S.I. 2011/464](#).

Marketing preservation mixtures that include uncertified fodder seed

[^{F10}8.—(1) The Secretary of State may authorise the marketing of preservation mixtures in accordance with this paragraph.

(2) An application for an authorisation must be made by the producer and must contain such information as the Secretary of State may require to—

- (a) complete the authorisation in accordance with Article 4(2) of Commission Directive 2010/60/EU, as read with Article 4(3) of that Directive; and
- (b) verify compliance with Article 5 of that Directive (in the case of directly harvested preservation mixtures) or Article 6 of that Directive (in the case of crop-grown preservation mixtures).

(3) An authorisation—

- (a) may only be granted if the preservation mixture complies with Article 5 of Commission Directive 2010/60/EU (in the case of directly harvested preservation mixtures) or Article 6 of that Directive (in the case of crop-grown preservation mixtures);
- (b) may only be granted for the marketing of a preservation mixture in its region of origin as determined by the Secretary of State [^{F11}having taken account of any available information from plant genetic resource organisations];
- (c) may only be granted for a preservation mixture that contains a conservation variety within the meaning of regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001 if that variety complies with the requirements of paragraph 7(1) to (7) and (9); and
- (d) must specify the matters listed in Article 4(2) of Commission Directive 2010/60/EU, as read with Article 4(3) of that Directive.

(4) The seed must not be sold as loose seed under paragraph 26 of Schedule 3.

(5) The seed must be labelled with a pink supplier's label or a printed or stamped notice which, instead of containing the labelling information for mixtures of seed set out in Schedule 3, contains the following information—

- (a) the words “[^{F12}GB] rules and standards”;
- (b) the name, address and identification number of the person affixing the label;
- (c) the harvesting method (whether directly harvested or crop-grown);
- (d) the year of sealing expressed as “sealed...[year]”;
- (e) the region of origin;
- (f) the source area;
- (g) the collection site;
- (h) the habitat type of the collection site;
- (i) the words “preservation seed mixture”;
- (j) the reference number of the lot given by the person affixing the label;
- (k) in the case of crop-grown preservation mixtures—
 - (i) the percentage by weight of the components as species and, where relevant, sub-species; and
 - (ii) the specific germination rate for the fodder seed components of the mixture that do not comply with the germination requirements of paragraph 28(2) of Schedule 2 (unless the mixture contains more than five such fodder seed components, in which case the average germination rate for those components may be used);

- (l) in the case of directly harvested preservation mixtures, the percentage by weight of those components as species and, where relevant, sub-species that are typical for the habitat type of the collection site and that are, as components of the mixture, of importance for the preservation of the natural environment in the context of the conservation of genetic resources;
 - (m) declared net or gross weight; and
 - (n) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of clusters or pure seeds and the total weight.
- (6) The total quantity of the seed authorised to be marketed each year must not exceed 5% of the total weight of fodder plant seed mixtures marketed in the United Kingdom in the same year.
- (7) Expressions used both in this paragraph and Commission Directive 2010/60/EU have [^{F13}subject to sub-paragraph (8)] the same meaning in this paragraph as they have in that Directive.
- [^{F14}(8) For the purposes of this paragraph, Article 1(a) of Commission Directive 2010/60/EU is to be read as if the definition of “source area” contained in that Article defined it to mean an area designated as a special area of conservation or an area contributing to the conservation of plant genetic resources in accordance with retained EU law.]]

- F10** Sch. 4 para. 8 substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, **8(b)**
- F11** Words in Sch. 4 para. 8(3)(b) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Word in Sch. 4 para. 8(5)(a) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(e)(ii)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), **29(5)(k)(ii)**); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Sch. 4 para. 8(7) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(e)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Sch. 4 para. 8(8) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(e)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)

Marketing unlisted varieties (other than vegetable seed) for tests and trials

9.—(1) The Secretary of State may authorise the marketing of seed for which an application for entry in the [^{F15}GB Variety] List has been submitted but not yet granted.

(2) This paragraph does not apply in relation to vegetable seed (for which see the following paragraph).

(3) An applicant must be a producer established in England.

(4) An authorisation is valid for one year and is renewable.

(5) An authorisation becomes invalid once the variety is added to the [^{F16}GB Variety] List or the application to be listed is withdrawn or rejected.

(6) The authorisation may only be requested by the person who has submitted an application for entry of the varieties concerned in the [^{F17}GB Variety] List.

(7) An authorisation may only be granted for tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of the variety.

(8) The quantities authorised for each variety must not exceed the following percentages of seed of the same species used annually in [^{F18}Great Britain]—

- (a) in the case of durum wheat: 0.05 %,
- (b) in the case of field pea, field bean, oats, barley and wheat: 0.3 %,
- (c) in all other cases: 0.1 %,

except that, if such quantities are not sufficient to sow 10 hectares, the quantity needed for such an area may be authorised.

(9) Fodder plant seed must comply with the conditions for—

- (a) certified seed (all species other than field peas and field beans); or
- (b) certified seed, second generation (field peas and field beans).

(10) Cereal seed must comply with the conditions for—

- (a) certified seed (rye, maize and hybrids of oats and red oats, barley, wheat, durum wheat, spelt wheat and triticale other than self-pollinating varieties); or
- (b) certified seed, second generation oats and red oats, barley, wheat, durum wheat, spelt wheat and self-pollinating varieties of triticale, other than hybrids in each case.

(11) Beet seed must comply with the conditions for certified seed.

(12) Seed of oil and fibre plants must comply with the conditions for—

- (a) certified seed (all species other than flax and linseed);
- (b) certified seed, second and third generation (flax and linseed).

(13) The package must be labelled with an orange label which must include the words “variety not yet officially listed; for tests and trials only” and, where applicable “genetically modified variety” in addition to the other labelling requirements in these Regulations.

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| F15 | Words in Sch. 4 para. 9(1) substituted (31.12.2020) by S.I. 2019/131, regs. 1(b), 7(15)(ea)(i) (as inserted by <i>The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020</i> (S.I. 2020/1388), regs. 1(2)(a), 29(5)(k)(iii)); 2020 c. 1, Sch. 5 para. 1(1) |
| F16 | Words in Sch. 4 para. 9(5) substituted (31.12.2020) by S.I. 2019/131, regs. 1(b), 7(15)(ea)(i) (as inserted by <i>The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020</i> (S.I. 2020/1388), regs. 1(2)(a), 29(5)(k)(iii)); 2020 c. 1, Sch. 5 para. 1(1) |
| F17 | Words in Sch. 4 para. 9(6) substituted (31.12.2020) by S.I. 2019/131, regs. 1(b), 7(15)(ea)(i) (as inserted by <i>The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020</i> (S.I. 2020/1388), regs. 1(2)(a), 29(5)(k)(iii)); 2020 c. 1, Sch. 5 para. 1(1) |
| F18 | Words in Sch. 4 para. 9(8) substituted (31.12.2020) by S.I. 2019/131, regs. 1(b), 7(15)(ea)(ii) (as inserted by <i>The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020</i> (S.I. 2020/1388), regs. 1(2)(a), 29(5)(k)(iii)); 2020 c. 1, Sch. 5 para. 1(1) |

Marketing unlisted varieties of vegetable seed

10.—(1) For the purpose of gaining knowledge and practical experience of a variety during cultivation, the Secretary of State may authorise the marketing of vegetable seed not listed on the [^{F19}GB Variety List provided an application has been made for entry into the GB Variety List or the NI Variety List].

(2) An authorisation is valid for one year and is renewable twice for a period not exceeding one year at each renewal.

(3) There are no quantitative restrictions on the amount that may be authorised.

(4) The authorisation may only be requested by the person who has submitted an application for entry of the varieties concerned on to the [^{F20}GB Variety List [^{F21}or the NI Variety List]].

(5) The package must have an orange label and include the words “Variety not yet officially listed” in addition to the other labelling requirements of these Regulations (except that the name of the certifying authority and the country of origin need not appear).

(6) The person marketing the seed must—

(a) retain a sample of each seed lot marketed and keep it for at least two years;

(b) record for each sale the name and address of the buyer and keep the record for at least three years.

^{F22}(7)

^{F22}(8)

F19 Words in Sch. 4 para. 10(1) substituted (31.12.2020) by S.I. 2019/131, regs. 1(b), **7(15)(f)(i)** (as substituted by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1388), regs. 1(2)(a), **29(5)(k)(iv)**); 2020 c. 1, Sch. 5 para. 1(1)

F20 Words in Sch. 4 para. 10(4) substituted (31.12.2020) by S.I. 2019/131, regs. 1(b), **7(15)(f)(ii)** (as substituted by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1388), regs. 1(2)(a), **29(5)(k)(iv)**); 2020 c. 1, Sch. 5 para. 1(1)

F21 Words in Sch. 4 para. 10(4) substituted (20.4.2021) by [The Official Controls, Plant Health, Seeds and Seed Potatoes \(Amendment etc.\) Regulations 2021](#) (S.I. 2021/426), regs. 1(2), **6(2)**

F22 Sch. 4 para. 10(7)(8) omitted (31.12.2020) by virtue of S.I. 2019/131, regs. 1(b), **7(15)(f)(iii)** (as substituted by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1388), regs. 1(2)(a), **29(5)(k)(iv)**); 2020 c. 1, Sch. 5 para. 1(1)

Marketing for scientific or selection purposes

11.—(1) The Secretary of State may authorise a producer to place on the market small quantities of seed (other than vegetable seed) for scientific or selection purposes.

(2) The Secretary of State may grant an authorisation whether or not the variety is listed on the [^{F23}GB Variety List].

(3) An applicant must be a producer established in England.

(4) The package must have an orange label and include the words “Variety not yet officially listed” (if this is the case) in addition to the other labelling requirements of these Regulations.

(5) The person marketing the seed must—

(a) retain a sample of each seed lot marketed and keep it for at least two years;

(b) record for each sale the name and address of the buyer and keep the record for at least three years.

F23 Words in Sch. 4 para. 11(2) substituted (31.12.2020) by S.I. 2019/131, regs. 1(b), **7(15)(g)** (as substituted by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds](#)

(Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(a), **29(5)(k)(v)**); 2020 c. 1, Sch. 5 para. 1(1)

Restrictions relating to genetically modified seed

12.—^{F24}(1) The Secretary of State may only grant an authorisation in respect of seed of a genetically modified variety under paragraphs 8 to 11 if the marketing and release of the genetically modified material by the applicant have ^{F25}...—

- (a) ^{F26}before the day on which IP completion day falls, been authorised under] Directive [2001/18/EC](#) of the European Parliament and of the Council (on the deliberate release into the environment of genetically modified organisms(**5**)), ^{F27}...
- (b) ^{F28}been authorised under] Regulation (EC) No 1829/2003 (on genetically modified food and feed) ^{F28}, or]

^{F29}(c) been authorised under the GMO Regulations.

(2) For the purpose of paragraph (1), “the GMO Regulations” means—

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

- F24** Sch. 4 para. 12 renumbered as Sch. 4 para. 12(1) (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/131), regs. 1(b), **7(15)(h)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in Sch. 4 para. 12(1) omitted (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/131), regs. 1(b), **7(15)(h)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in Sch. 4 para. 12(1)(a) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/131), regs. 1(b), **7(15)(h)(ii)(bb)** (as amended by S.I. 2020/1388, regs. 1(2)(a), **29(5)(k)(vi)**); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Word in Sch. 4 para. 12(1)(a) omitted (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/131), regs. 1(b), **7(15)(h)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Sch. 4 para. 12(1)(b) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/131), regs. 1(b), **7(15)(h)(ii)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Sch. 4 para. 12(1)(c), (2) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/131), regs. 1(b), **7(15)(h)(ii)(dd)**; 2020 c. 1, Sch. 5 para. 1(1)

Marketing imported seed to be labelled as HVS

13.—(1) Seed certified in [^{F30}a country granted equivalence] may be marketed as meeting a higher voluntary standard in accordance with this paragraph.

(2) A sample must be submitted to the Secretary of State for testing, and the Secretary of State, if satisfied that the sample meets the higher voluntary standard, must issue a certificate confirming this.

(3) The seed must be re-labelled using —

^{F31}(a)

(b) an OECD label ^{F32}...,

and ^{F33}... the country of production must be stated on the label.

(4) Seed imported pending inclusion in the United Kingdom National List or not finally certified in the country of production may be verified as being of a higher voluntary standard and re-graded after listing or final certification.

F30 Words in Sch. 4 para. 13(1) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), [7\(15\)\(i\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)

F31 Sch. 4 para. 13(3)(a) omitted (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), [7\(15\)\(i\)\(ii\)\(aa\)](#); 2020 c. 1, Sch. 5 para. 1(1)

F32 Words in Sch. 4 para. 13(3)(b) omitted (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), [7\(15\)\(i\)\(ii\)\(bb\)](#); 2020 c. 1, Sch. 5 para. 1(1)

F33 Words in Sch. 4 para. 13(3) omitted (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), [7\(15\)\(i\)\(ii\)\(cc\)](#); 2020 c. 1, Sch. 5 para. 1(1)

^{F34}...

^{F34}**14.**

F34 Sch. 4 para. 14 and heading omitted (31.12.2020) by virtue of [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), [7\(15\)\(j\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Marketing seed of amateur vegetable varieties

15.—(1) The Secretary of State may authorise the marketing of seed of an amateur vegetable variety in accordance with this paragraph.

(2) The seed must be of a variety listed as an amateur vegetable variety in the United Kingdom National List.

(3) The seed must comply with the requirements for marketing of standard seed set out in [^{F35}these Regulations], except the requirements in respect of minimal varietal purity.

(4) The seed must have sufficient varietal purity.

(5) The seed must be marketed in small packages not exceeding the net weight specified in Annex II to Commission Directive [2009/145/EC](#) **(6)** (which relates to amateur vegetable varieties).

(6) OJ No L 312, 27.11.2009, p. 44.

Changes to legislation: There are currently no known outstanding effects for the *The Seed Marketing Regulations 2011, SCHEDULE 4*. (See end of Document for details)

(6) The seed must be labelled with a supplier's label or a printed or stamped notice which, in addition to complying with the applicable provisions of paragraph 25 of Schedule 3, contains the words "amateur variety".

(7) In this regulation "amateur vegetable variety" has the meaning given by regulation 5A(5) of the Seeds (National Lists of Varieties) Regulations 2001⁽⁷⁾.

F35 Words in Sch. 4 para. 15(3) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(k)**; 2020 c. 1, Sch. 5 para. 1(1)

PART 3

Certifying seed that does not fully comply with these Regulations

Seed not finally certified, harvested in another [^{F36}European Single Market State]

^{F37}**16.**

F36 Words in Sch. 4 substituted (20.2.2019) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1, **3(3)**

F37 Sch. 4 para. 16 omitted (31.12.2020) by virtue of [S.I. 2019/131](#), regs. 1(b), **7(15)(l)** (as substituted by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(5)(k)(vii)**); 2020 c. 1, Sch. 5 para. 1(1)

Seed not finally certified, harvested in a [^{F38}country granted equivalence]

17.—(1) Seed harvested in a [^{F39}country granted equivalence] may be certified if—

(a) it has been produced directly from—

(i) basic seed or certified seed of the first generation certified either in [^{F40}the United Kingdom, a Crown Dependency (provided such seed has been produced under legislation recognised by the Secretary of State to have equivalent effect to these Regulations) or a country granted equivalence]; or

[^{F41}(ii) the crossing of basic seed officially certified in the United Kingdom or a Crown Dependency (provided such seed has been produced under legislation recognised by the Secretary of State to have equivalent effect to these Regulations) with basic seed certified in a country granted equivalence;]

(b) it has undergone field inspection in accordance with Council Decision [2003/17/EC](#);

(c) examination has shown that the conditions for seed of that category are satisfied;

(d) it is accompanied by a certificate from the competent authority of the country of origin certifying its status.

(2) The label must be grey.

(7) [S.I. 2001/3510](#); regulation 5A was inserted by [S.I. 2011/464](#).

- F38** Words in Sch. 4 para. 17 heading substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(m)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Words in Sch. 4 para. 17(1) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(m)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in Sch. 4 para. 17(1)(a)(i) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(m)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Sch. 4 para. 17(1)(a)(ii) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(15)(m)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

Marketing extensions

18. The Secretary of State may grant a marketing extension allowing an extended period for the certification and marketing of seed of a variety that has been deleted from the [^{F42}GB Variety List].

- F42** Words in Sch. 4 para. 18 substituted (31.12.2020) by [S.I. 2019/131](#), regs. 1(b), **7(15)(n)** (as substituted by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **29(5)(k)(viii)**); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Seed Marketing Regulations 2011, SCHEDULE 4.