
STATUTORY INSTRUMENTS

2020 No. 1388

The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020

PART 5

Amendments to domestic EU Exit legislation

CHAPTER 8

Plant Propagating Material and Seeds

The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019

30.—(1) The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019⁽¹⁾ are amended as follows.

(2) In regulation 4—

(a) in paragraph (2), in the new Article A1 to be inserted by that paragraph—

(i) in the definition of “the appropriate authority”, omit paragraph (d);

(ii) after the definition of “the appropriate authority”, insert—

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

(iii) for the definition of “responsible authority” substitute—

““responsible authority” means—

(a) in relation to shortages in supply of fodder seed, any authority who, in relation to any part of Great Britain, is the appropriate authority and, in relation to Northern Ireland, the Department of Agriculture, and is the Secretary of State if consent is given by—

(i) in relation to Wales, the Welsh Ministers;

(ii) in relation to Scotland, the Scottish Ministers;

(iii) in relation to Northern Ireland, the Department of Agriculture;

(b) in relation to shortages in supply of seed other than fodder seed, any authority who, in relation to any part of Great Britain, is the appropriate authority and is the Secretary of State if consent is given by—

(i) in relation to Wales, the Welsh Ministers;

(ii) in relation to Scotland, the Scottish Ministers;”;

⁽¹⁾ [S.I. 2019/162](#), to which there is an amendment not relevant to these Regulations.

(b) in paragraph (4), in sub-paragraph (a), in new paragraph 1 to be inserted by that sub-paragraph, for “in the United Kingdom” substitute “of fodder seed in the United Kingdom, or of seed other than fodder seed in Great Britain.”.

(3) In regulation 6—

(a) in paragraph (2)—

(i) in paragraph 1(d) of new Article A1 to be inserted by that paragraph, after “Northern Ireland,”, where it first occurs, insert “in relation to fodder seed, the relevant provisions of”;

(ii) in new Article A1 to be inserted by that paragraph, at the end insert—

“a “country granted equivalence” means a country that has been assessed by, in relation to England, the Secretary of State, in relation to Wales, the Welsh Ministers, and in relation to Scotland, the Scottish Ministers that the seed from that country is produced under conditions equivalent to the requirements in the Seeds Marketing Regulations for seed to which those Regulations apply.”;

(b) for paragraph (3) substitute—

“(3) In Article 1—

(a) after “Decision” insert “and, in relation to Northern Ireland, field inspections concerning seed-producing crops of the species specified in [Directive 66/401/EEC](#) on the marketing of fodder plant seed only”;

(b) omit “third”;

(c) for “Directives [66/401/EEC](#), [66/402/EEC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#)” substitute “the Seeds Marketing Regulations”;

(3A) In Article 2—

(a) after “Decision”, in the first place where it occurs, insert “and, in relation to Northern Ireland, seed of the species specified in [Directive 66/401/EEC](#) on the marketing of fodder plant seed only”;

(b) omit “third”;

(c) for “Directives [66/401/EEC](#), [66/402/EEC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#)” substitute “the Seeds Marketing Regulations”;

(c) for paragraph (4)(b)(ii) substitute—

“(ii) for “EC labels shall be used only” substitute “labels shall be used stating, in relation to fodder seed, “UK rules and standards”, and in relation to all other seed “GB rules and standards” only”;

(d) in paragraph (6)(b)—

(i) for paragraph (iv)(bb) substitute—

“(bb) for “EC rules and standards” substitute “in relation to fodder seed – “UK rules and standards”, and in relation to all other seed “GB rules and standards”;

(ii) for paragraph (v) substitute—

“(v) in point 3.2, for “Community law” substitute “, in relation to fodder seed, the law of the United Kingdom, and in relation to seed other than fodder seed, the law of Great Britain”;

(iii) for paragraph (vii) substitute—

“(vii) in point 5—

- (aa) in the first sub-paragraph, for “the Community”, in both places where it occurs, substitute “United Kingdom”;
 - (bb) for the second sub-paragraph substitute—
 - “In the case of basic seed of other varieties, the seed of the preceding generations shall have been produced—
 - under the responsibility of the persons responsible for the maintenance of the variety referred to in the GB Variety Lists pursuant to regulation 3 of the Seeds (National Lists of Varieties) Regulations 2001 or the NI Variety Lists pursuant to legislation having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001;
 - in a country which has been granted equivalence of checks on practices for the maintenance of varieties under Council [Decision 2005/834/EC](#); or
 - in a country granted equivalence and under the responsibility of the persons responsible for the maintenance of the variety.”
 - (iv) in paragraph (viii), in sub-paragraph (cc), for the inserted paragraph substitute—
 - “in a country granted equivalence.”
- (4) Omit regulation 7.
- (5) Omit regulation 8.
- (6) In regulation 9—
- (a) in paragraph (2), in the new Article A1 to be inserted by that paragraph—
 - (i) in the definition of “the appropriate authority”, omit paragraph (d);
 - (ii) in the definition of “responsible authority”, for “the United Kingdom” substitute “Great Britain”;
 - (b) in paragraph (5), in the words before sub-paragraph (a), after “12” insert “, 13”;
 - (c) in paragraph (12), before sub-paragraph (a) insert—
 - “(za) in point 1, for “EU” substitute “GB”;
- (7) In regulation 10—
- (a) in paragraph (2), for sub-paragraph (b) substitute—
 - “(b) in paragraph (2)(h), for “the Union” substitute “Great Britain”;
 - (b) in paragraph (3), for sub-paragraph (a) substitute—
 - “(a) for “the Union”, in each place where it occurs, substitute “Great Britain”;
 - (c) in paragraph (3)(b), in the new points (e) to (g) of Article 2 to be inserted by that paragraph—
 - (i) in point (e), in the definition of “appropriate authority”, omit sub-paragraph (iv);
 - (ii) in point (f), in the definition of “responsible authority”, for “the United Kingdom” substitute “Great Britain”;
 - (iii) in point (g), in the definition of “the Seed Potatoes Regulations”, omit sub-paragraph (iv);
 - (d) in paragraph (5)(a)(iii), in the new point (a) to be inserted by that paragraph, for “National”, in the first place where it occurs, substitute “GB Variety”;

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(e) in paragraph (13), in sub-paragraphs (a), (b)(i) and (c)(i), for “UK” substitute “GB”.