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WELSH STATUTORY INSTRUMENTS

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**2005 No. 3037 (W.225)**

**SEEDS, WALES**

**The Beet Seed (Wales) Regulations 2005**

*Made* - - - - - *1 November 2005*

*Coming into force* - - - - - *18 November 2005*

The National Assembly in exercise of the powers conferred on it by sections 16(1), (1A), (2), (3), (4), (5) and (5A) and 36 of the Plant Varieties and Seeds Act 1964<sup>M1</sup> after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to it to be concerned, hereby makes the following Regulations:

**Marginal Citations**

**M1** 1964 c. 14; section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of, and Schedule 4 to, the European Communities Act 1972, [S.I. 1977/1112](#) and section 2 of the [Agriculture Act 1986 \(c. 49\)](#); see section 38(1) for a definition of “the Secretary of State”. Under the Transfer of Functions (Wales)(No.1) Order 1978 ([S.I. 1978/272](#)), article 2(1) and Schedule 2, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#), **article 2(1)** and Schedule 1, the functions transferred to the Secretary of State by the 1978 transfer Order were transferred to the National Assembly for Wales. Under the [Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to England, transferred to the Secretary of State.

**PART I**

**GENERAL**

**Title, commencement and application**

- 1.—(1) The title of these Regulations is the Beet Seed (Wales) Regulations 2005.
- (2) These Regulations come into force on 18 November 2005 and apply in relation to Wales.

**General interpretation****2.—(1) In these Regulations—**

[<sup>F1</sup>“the 2004 Commission Decision” means Commission Decision [2004/842/EC](#) concerning implementing rules whereby member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted;]

“the Act” means the Plant Varieties and Seeds Act 1964;

“Annex II.A(3) official certificate” means an official certificate of the type specified in paragraph 3 of Part A of Annex II to the Third Country Equivalence Decision;

“Annex IV(C) document” means an official document of the type specified in the second indented sub-paragraph of Article 22(2) of the Beet Seed Directive containing the particulars specified in paragraph C of Annex IV to the Directive;

“another member State” means an EEA State other than the United Kingdom;

“approved seed certification authority” means an authority specified in column 2 of the table set out in Annex I to the Third Country Equivalence Decision;

“authorised officer” means an officer authorised for the purposes of these Regulations by the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;

“the Beet Seed Directive” means Council Directive [2002/54/EC](#)<sup>M2</sup> on the marketing of beet seed as last amended by Council Directive [2004/117/EC](#)<sup>M3</sup>;

“blended seed lot” means a seed lot obtained by blending seed where the seed that goes into the blend is—

- (a) of the same variety;
- (b) has come from different sources; and
- (c) either—
  - (i) has been officially certified;
  - (ii) has not been officially certified but has been harvested from a seed crop for which a field inspection report has been issued showing that the crop met the Directive crop conditions for the relevant category of seed; or
  - (iii) is made up of seed that has been officially certified and seed that has not but for which a field inspection report of the type specified in sub-paragraph (ii) has been issued;

“breeder”—

- (a) in relation to a variety that has not been entered in a National List or the Common Catalogue, includes any person lawfully multiplying (on the person's own account) seed bred by another, and
- (b) in relation to a variety that has been so entered, means the maintainer of the variety;

“breeder's seed” means seed which has been produced by or under the responsibility of the breeder and that is intended for the production of pre-basic or basic seed;

“Common Catalogue” means the Common Catalogue of varieties of species of agricultural plants published in the Official Journal of the European Communities;

“the Common Catalogue Directive” means Council Directive [2002/53/EC](#)<sup>M4</sup> on the common catalogue of varieties of agricultural plant species, as last amended by the Food and Feed Regulation;

“component” means a component of a hybrid variety;

“control plot” means a plot sown with seed from an official sample of seed from a seed lot (whether the official sample of the seed submitted with a regulation 5 application in accordance with regulation 5(2) or another official sample of the seed);

“the Deliberate Release Directive” means Council Directive [2001/18/EC](#)<sup>M5</sup> on the deliberate release into the environment of genetically modified organisms, as last amended by Council Regulation (EC) No 1830/2003<sup>M6</sup> concerning the traceability and labelling of food and feed products produced from genetically modified organisms;

“Department of Agriculture and Rural Development” means the Department of Agriculture and Rural Development in Northern Ireland;

“Directive crop conditions” means the conditions laid down in Part A of Annex I to the Beet Seed Directive;

“Directive seed conditions” means the conditions laid down in Part B of Annex I to the Beet Seed Directive;

“the EC minimum percentage of germination” means the appropriate percentage of germination specified in column 2 of the table in paragraph 5 of Schedule 4;

“EEA State” means—

(a) a State which is a member of the Communities; and

(b) Iceland, Liechtenstein and Norway;

“entered seed lot” means a seed lot in respect of which an application has been made under regulation 5 in accordance with regulation 5(2)(a), (b)(i) and (c);

“equivalent third country” means Bulgaria, Chile, Croatia, New Zealand, Romania, Serbia and Montenegro, Turkey, and the United States of America;

“fodder beet” means fodder beet of the species *Beta vulgaris* L.;

“the Food and Feed Regulation” means Council Regulation (EC) No 1829/2003<sup>M7</sup> on genetically modified food and feed;

“genetically modified” has the same meaning as for the purposes of the Deliberate Release Directive;

“germination condition” means the condition in paragraph 5 of Schedule 4;

“homogeneous seed lot” means a seed lot that has been subject to appropriate mixing and blending techniques so that the seed in the lot is as uniform as practicable;

“ISTA” means the International Seed Testing Association;

“late entered seed lot” means a seed lot in respect of which an application has been made under regulation 5 in accordance with regulation 5(2)(a), (b)(ii) and (c);

“licensed crop inspector” means a person who has been granted a licence under regulation 11 of the Seed (Registration, Licensing and Enforcement)(Wales) Regulations 2005<sup>M8</sup> or by the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development under provisions equivalent to that regulation;

“licensed EC crop inspector” means a person authorised by a competent seed certification authority in another member State, pursuant to Article 2(3)A(a)(iii) of the Beet Seed Directive, to carry out field inspections of crops in that member State;

“licensed EC seed testing station” means a seed testing laboratory authorised by the competent seed certification authority in another member State, pursuant to Article 2(3)B(a) of the Beet Seed Directive, to carry out seed testing in that member State;

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*Changes to legislation: There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)*

“licensed seed sampler” means a person who has been granted a licence under regulation 18 of the Seed (Registration, Licensing and Enforcement)(Wales) Regulations 2005 or by the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development under provisions equivalent to that regulation;

“licensed seed testing station” means a laboratory in respect of which a licence has been granted under regulation 25 of the Seed (Registration, Licensing and Enforcement)(Wales) Regulations 2005 or by the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development under provisions equivalent to that regulation;

“licensed third country crop inspector” means a person authorised by an approved seed certification authority in an equivalent third country, pursuant to Rule 6(2)(3) of, and Appendix 8 to, the OECD Beet Seed Scheme, to carry out field inspections of crops in that country;

“licensed third country seed testing station” means a seed testing laboratory authorised by the approved seed certification authority in an equivalent third country, pursuant to Rule 6(4)(2)(3) of, and Appendix 8B to, the OECD Beet Seed Scheme, to carry out seed testing in that country;

“listed variety” means a plant variety that is entered in a National List or the Common Catalogue;

“listing” means the entry of a variety on a National List or the Common Catalogue and “listed” shall be construed accordingly;

“maintainer” means a person who is indicated in a National List or in the Common Catalogue as responsible for maintaining a plant variety in accordance with the characteristics to which regard was had when the plant variety was entered in the List or the Common Catalogue;

“marketing extension” means an extension granted by the National Assembly, the Secretary of State, the Scottish Ministers, the Department for Agriculture and Rural Development or the competent seed certification authority in another member State pursuant to Article 15 of the Common Catalogue Directive allowing an extended period for the certification and marketing of seed of a variety that has been deleted from its catalogue and the Common Catalogue;

“member State” means, in addition to a State which is a member of the Communities, any other EEA State and Switzerland;

“monogerm seed” means genetically monogerm seed;

“the National Assembly” means the National Assembly for Wales;

“a National List” means a list of varieties of sugar beet or fodder beet for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 2001<sup>M9</sup>;

“OECD” means the Organisation for Economic Co-operation and Development;

“OECD Beet Seed Scheme” means the OECD Scheme for the varietal certification of sugar beet and fodder beet moving in international trade in Annex IX to the OECD Decision“;

“OECD Certificate” means a certificate issued by or on behalf of an approved seed certification authority in an equivalent third country under the OECD Beet Seed Scheme;

“OECD Decision” means the Decision of the OECD Council revising the OECD Schemes for Varietal Certification of the Control of Seed Moving in International Trade<sup>M10</sup> as last amended by OECD Council Decision C(2005)38<sup>M11</sup>;

“OECD List” means the OECD List of Varieties Eligible for Certification;

“official label” means a label issued or authorised by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;

“official measures” includes—

- (a) the disposal and determination, where applicable, of applications made in accordance with regulation 5, 7, 8, 9, 10, 11, 12, 17 and 18, including the growing and assessment of control plots and the carrying out of field inspections and seed testing in connection with the disposal and determination of such applications; and
- (b) the receipt and acknowledgement of notifications given under regulation 6,

“official sample” means a sample of seed taken from a seed lot in accordance with regulation 20 and “official sampling” shall be construed accordingly;

“official UK field inspection” means a field inspection carried out by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;

“official UK seed test” means a seed test carried out by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;

“precision seed” means seed designed for use in precision drills and to produce single seedlings;

“previously listed variety” means a plant variety that was previously entered in—

- (a) a National List or, in the case of another member State, the catalogue maintained by that State pursuant to Article 3 of the Common Catalogue Directive, and
- (b) the Common Catalogue,

but which has been removed from both of them;

“registered person” means a person registered under regulation 5 of the Seed (Registration, Licensing and Enforcement)(Wales) Regulations 2005 as a person who may engage in a relevant seed industry activity;

“regulation 17 authorisation” means an authorisation granted in accordance with regulation 17;

“regulation 18 authorisation” means an authorisation granted in accordance with regulation 18;

“Schedule 4 germination test” means a test to determine whether the seed being tested attains the percentage of germination specified in column 2 of the table in paragraph 5 of Schedule 4;

“the Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs“;

“seed industry activity” has the same meaning as in regulation 2 of the Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005;

“seed lot” means an identifiable consignment of seeds of a weight that does not exceed the weight specified in Part I of Schedule 7 by more than 5% and that bears a unique seed lot reference number, and includes a blended seed lot and a seed lot that contains seed from different crops of the same variety grown on the same holding and combined on the grower's holding prior to processing;

“seed that has been subject to satisfactory official post-control” means seed from a seed lot for which a control plot has been sown by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and which has produced plants which have been examined by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, as the case may be, and has been found, having regard to—

- (a) the conditions laid down in—
  - (i) paragraphs 2, 3 and 10 of Schedule 3, and
  - (ii) paragraphs 1 and 12 of Schedule 4, and

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(b) the category of the seed to be produced,  
to be satisfactory seed from which to produce that category of seed;  
“small EC package”, in relation to a package of officially certified basic or CS seed, means a package of seed containing—

(a) in the case of monogerm or precision seed, not more than 100,000 clusters or grains or a net weight of not more than 2.5 kilograms, and

(b) in the case of other seed, not more than a net weight of 10 kilograms,  
excluding (where appropriate) granulated pesticides, pelleting substances or other solid additives;

“sugar beet” means sugar beet of the species *Beta vulgaris* L.;

[<sup>F2</sup>“test and trial seed” means seed which is the subject of a regulation 18 authorisation;]

“third country” means a country other than a member State;

“the Third Country Equivalence Decision” means Council Decision [2003/17/EC](#)<sup>M12</sup> on the equivalence of field inspections carried out in third countries on seed producing crops and on the equivalence of seed produced in third countries, as last amended by Council Regulation [885/2004/EC](#)<sup>M13</sup>;

“a UK field inspection carried out under official supervision” means an examination of a crop carried out under official supervision by a licensed crop inspector;

“a UK seed test carried out under official supervision” means a seed test carried out under official supervision by a licensed seed testing laboratory;

“unlisted variety” means a variety that is not a listed variety; and

“whenever carried out”—

(a) in relation to an official UK field inspection of a crop being grown to produce seed of a listed variety or a component of a listed hybrid variety, means an inspection carried out before or after the listing of the variety or hybrid variety;

(b) in relation to an official UK field inspection of a crop being grown to produce seed of a previously listed variety or a component of a previously listed hybrid variety, means an inspection carried out while the variety or hybrid variety was listed or after it became unlisted;

(c) in relation to an official UK seed test or a UK seed test carried out under official supervision of seed of a listed variety or a component of a listed hybrid variety, means a test carried out before or after the listing of the variety or hybrid variety; and

(d) in relation to an official UK seed test or a UK seed test carried out under official supervision of seed of a previously listed variety or a component of a previously listed hybrid variety, means a test carried out while the variety or hybrid variety was listed or after it became unlisted.

(2) All applications, approvals, authorisations, notices, notifications and statements to which these Regulations apply shall be made in writing.

(3) “Writing” in paragraph (2) shall include an electronic communication within the meaning of the Electronic Communications Act 2000<sup>M14</sup> provided that—

(a) any document of the type referred to in paragraph (2) shall only be sent to the National Assembly by an electronic communication if the National Assembly has represented that electronic communication is a means by which persons can send such a document to it, and

(b) notifications required to be made by the National Assembly to any person shall only be made by an electronic communication if the intended recipient has used the same

form of electronic communication in communicating with the National Assembly for the purpose of these Regulations or has otherwise represented that that form of electronic communication is a means by which the National Assembly can communicate with the intended recipient.

(4) Expressions in these Regulations which are not defined in this regulation or elsewhere in these Regulations or in a Schedule to these Regulations and which appear in the Beet Seed Directive have the same meaning in these Regulations as they have in that Directive.

(5) Schedule 1, which contains definitions of pre-basic seed and similar expressions, basic seed and similar expressions, CS seed and similar expressions and expressions relating to imported not finally certified seed, shall apply to the interpretation of these Regulations.

- F1** Words in [reg. 2\(1\)](#) inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **2(2)(a)**
- F2** Words in [reg. 2\(1\)](#) inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **2(2)(b)**

#### Marginal Citations

- M2** O.J. L193, 20.7.2002, p.12.
- M3** O.J. L14, 18.1.2005, p. 18.
- M4** Cmnd 2073.
- M5** O.J. L268, 18.10.2003, p. 24.
- M6** O.J. L 268, 18.10.2003, p. 1.
- M7** O.J. L106, 17.4.2001, p.1.
- M8** [S.I. 2005/3038 \(W.226\)](#).
- M9** [S.I. 2001/3510](#).
- M10** C(2000)146/Final.
- M11** C(2005)38.
- M12** O.J. No. L8, 14.1.2003, p.1.
- M13** O.J. No. L168, 1.5.2004, p.1
- M14** [2000 c. 7](#).

#### Definition of marketing

3.—(1) Subject to paragraph (2), in these Regulations “marketing” means—

- (a) selling, holding with a view to sale or offering for sale, or
- (b) any disposal, supply or transfer for the purpose of commercial exploitation of seed to third parties,

whether or not for consideration, and “market” and “marketed” shall be construed accordingly.

(2) Trade in seed not aimed at commercial exploitation of the variety, such as the following operations—

- (a) the supply of seed to official testing and inspection bodies, and
- (b) the supply of seed to a person who provides processing or packaging services but who does not thereby acquire title to the seed supplied,

shall not be regarded as marketing of seed of that variety.

#### Seed to which these Regulations apply

4.—(1) Subject to paragraph (2), these Regulations apply to seed of the species specified in Schedule 2.

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*Status: Point in time view as at 31/01/2007.*

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- (2) These Regulations shall not apply to seed that is intended for export to a third country.

## PART II

### PROCEDURES RELATING TO THE OFFICIAL CERTIFICATION OF SEED

#### Entry of seed lots

5.—(1) Subject to paragraph (2), an application to enter a seed lot from which it is intended that a crop is to be produced from which pre-basic, basic or CS seed is to be harvested may be made to the National Assembly by a registered person.

(2) An application made under this regulation—

- (a) shall be made in such form and manner as the National Assembly may require;
- (b) shall be made—
  - (i) at such time as the National Assembly may require, or
  - (ii) in the case of an application to enter a seed lot made after that time, at such time as the National Assembly may otherwise allow; and
- (c) shall be accompanied—
  - (i) unless otherwise agreed by the National Assembly, by an official sample of seed from the seed lot that is identified by the reference number of the seed lot from which it was taken, and
  - (ii) by such information and other documents as the National Assembly may require, including, if required, a copy of a qualifying seed test report relating to the seed lot.

(3) At an appropriate time following the receipt of an application made under this regulation, the National Assembly may sow a control plot with seed taken from an official sample of seed taken from the seed lot (whether the official sample submitted in accordance with paragraph (2)(c)(i) or another official sample of seed taken from the seed lot).

(4) In this regulation—

“appropriate time” means a time during the period when seed of the relevant species is usually sown, and

“qualifying seed test report” means—

- (a) a seed test report issued in accordance with regulation 10(8), (9), (10) or (11), or
- (b) in a case where an official sample taken from the seed lot has been found to meet the conditions for the category of seed for which it was tested under regulation 10(6)(b), a seed test report issued in accordance with regulation 10(12)(b).

#### Entry of crop

6.—(1) A registered person who has sown seed from an entered or late entered seed lot from which it is intended to produce a crop from which pre-basic, basic or CS seed is to be harvested shall notify the National Assembly that the seed has been sown.

(2) A notification given under this regulation shall

- (a) be given in such form and manner as the National Assembly may require;
- (b) be given within such time as the National Assembly may require;
- (c) specify the reference number of the seed lot from which the sown seed has been taken; and



- (d) be accompanied by such information and other documents as the National Assembly may require.
- (3) Subject to paragraph (4), the National Assembly shall acknowledge receipt of a notification given under this regulation.
- (4) Subject to paragraph (5), unless specifically requested to do so by the applicant, the National Assembly shall not individually acknowledge the receipt of each notification given under this regulation that it receives but shall periodically provide the applicant with a list of those crops for which it has received such a notification from the applicant.
- (5) Where the National Assembly has previously provided the applicant with a list of those crops for which it has received a notification under this regulation from the applicant, any subsequent list periodically provided to the applicant under paragraph (4) shall list only those crops in respect of which the National Assembly has received a notification under this regulation from the applicant since last providing the applicant with the last such list.

### Field inspection of crops

- 7.—(1) Subject to paragraph (2), an application may be made to the National Assembly by a registered person for the field inspection of—
- (a) a crop being produced in Wales from an entered or late entered seed lot from which it is intended that pre-basic seed is to be harvested (“a regulation 7(1)(a) crop”);
  - (b) a crop being produced in Wales from an entered or late entered seed lot from which it is intended that basic seed is to be harvested (“a regulation 7(1)(b) crop”);
  - (c) a crop being produced in Wales from a late entered seed lot from which it is intended that CS seed is to be harvested (“a regulation 7(1)(c) crop”); or
  - (d) a crop being produced in Wales from an entered seed lot from which it is intended that CS seed is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 7(1)(d) crop”).
- (2) An application made under paragraph (1) shall not be made in respect of a regulation 7(1)(a), (b) or (c) crop to produce seed of a variety, or hybrid variety, that is not listed, or seed of a component of a hybrid variety that is not listed, unless—
- (a) an application for the listing of the variety or the hybrid variety has been made which has not been withdrawn or finally determined; or
  - (b) a marketing extension is in force in respect of the variety or hybrid variety.
- (3) Subject to paragraph (4), an application for the field inspection of a crop being produced in Wales from an entered seed lot from which it is intended that CS seed is to be harvested (“a regulation 7(3) crop”) may be made to a licensed crop inspector by a registered person.
- (4) An application under paragraph (3) shall not be made—
- (a) in respect of a crop to produce seed of a variety or hybrid variety that is not listed unless a marketing extension is in force in respect of the variety or hybrid variety, and
  - (b) except in respect of a crop that is being produced from—
    - (i) seed that has been subject to satisfactory official post control, or
    - (ii) seed that is subject to official post control and for which a determination as to whether the seed is satisfactory seed from which to produce CS seed is awaited.
- (5) If required by the National Assembly, an application made under paragraph (3) shall be considered by it instead of by a licensed crop inspector.
- (6) If permitted by the National Assembly, an application made under paragraph (3) may be made to it instead of to a licensed crop inspector.

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(7) An application made under paragraph (1) or (3) shall be made in such form and manner and at such time as the National Assembly may require and shall be accompanied by such information, material, records, illustrations and other documents as it may require.

(8) Following the receipt of an application made under paragraph (1) or (3), the National Assembly (in the case of an application made under paragraph (1) or an application made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6)), or the licensed crop inspector to whom an application has been made under paragraph (3) (as the case may be) shall inspect the crop in accordance with the relevant provisions of paragraph 9 of Schedule 3 to determine—

- (a) whether the crop meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the category of seed intended to be harvested, and
- (b) unless requested not to do so by the applicant, whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any other category of seed to which paragraph (17) applies.

(9) Subject to paragraph (13), where in the case of an application made to the National Assembly under paragraph (1) or an application made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6), the inspected crop is found to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of—

- (a) the category of seed intended to be harvested, and
- (b) where applicable, any other category of seed to which paragraph (17) applies,

the National Assembly shall issue a field inspection report (which it shall retain as a lodged report unless instructed not to do so by the applicant) stating (by reference to the relevant category or categories) that the crop has been found to meet those conditions and shall send the report, or (in a case where the original report is to be retained as a lodged report by the National Assembly ) a copy of the report, to the applicant.

(10) Where in the case of an application made to a licensed crop inspector under paragraph (3) the inspected crop is found to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of CS seed, the licensed crop inspector shall issue a field inspection report to the applicant stating that the crop has been found to meet those conditions.

(11) Subject to paragraph (13), where in the case of an application made to the National Assembly under paragraph (1) or an application made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6), the inspected crop is found not to satisfy the conditions laid down in Schedule 3 or Part I of Schedule 4 for the production of the category of seed intended to be harvested, the National Assembly shall issue a field inspection report (which it shall retain as a lodged report unless instructed not to do so by the applicant)—

- (a) stating that the crop has been found not to meet those conditions, and
- (b) in a case where the crop has been inspected to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any other category of seed to which paragraph (17) applies, stating the conditions (by reference to the relevant category or categories), if any, met by the crop,

and shall send the report, or (in a case where the original report is to be retained as a lodged report by the National Assembly ) a copy of the report, to the applicant.

(12) Where in the case of an application made to a licensed crop inspector under paragraph (3) the inspected crop is found not to satisfy the conditions laid down in Schedule 3 or Part I of Schedule 4 for the production of CS seed, the licensed crop inspector shall issue a field inspection report to the applicant stating that the crop has been found not to meet those conditions.

(13) Where—

- (a) an application has been made to the National Assembly under paragraph (1), or an application has been made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6), in respect of a crop produced from seed which was taken from a seed lot for which a control plot has been sown, and
- (b) the results of the examination of the control plot show that the plants produced in the plot do not meet the conditions laid down in Schedule 3 or Part I or III of Schedule 4 for the production of the category of seed intended to be harvested,

the National Assembly may take account of the results of that examination when carrying out an inspection of the crop to which the paragraph (1) or (3) application relates and in determining whether it should issue a field inspection report under paragraph (9) or (11).

(14) Where paragraph (15) applies, the National Assembly may carry out its own examination of—

- (i) a crop to which an application made under paragraph (3) relates;
- (ii) any other crops that are being produced from seed that has been taken from the same seed lot and in respect of which an application has been made under paragraph (3); or
- (iii) both the crops referred to in paragraphs (i) and (ii).

(15) This paragraph applies where—

- (a) an application has been made to a licensed crop inspector under paragraph (3) in respect of seed that is subject to official post-control;
- (b) the plants produced in the control plot being used for the purpose of the official post control have been examined by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development; and
- (c) it has been determined by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, having regard to the conditions laid down in paragraphs 2 and 3 of Schedule 3, and paragraph 1 of Schedule 4, that the plants produced in the control plot are not satisfactory plants from which to harvest CS seed.

(16) Where the National Assembly has carried out an examination of the crop referred to in paragraph (14)(i) or the crops referred to in paragraph (14)(ii), or has carried out an examination of both the crop referred to in paragraph (14)(i) and the crops referred to in paragraph (14)(ii), it shall inform the applicant whether it is satisfied that the seed used to produce the crop to which the application relates was satisfactory seed to be used for the production of CS seed, and, if the National Assembly is satisfied that this is the case, the seed used to produce the crop, and seed from the same seed lot, shall be treated as being seed that has been subject to satisfactory official post control for the production of CS seed.

(17) This paragraph applies to the following categories of seed—

- (a) in the case of an application made under paragraph (1) relating to a crop that has been produced from breeder's seed or officially certified pre-basic seed and from which it is intended to harvest pre-basic seed, to the category of basic seed, and
- (b) in the case of an application made under paragraph (1) relating to a crop produced from breeder's seed or officially certified pre-basic seed and from which it is intended to harvest basic seed other than a component of a hybrid, to the category of pre-basic seed.

(18) In this regulation “seed that is subject to official post control” means seed from a seed lot for which a control plot has been sown by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development to produce plants which are to be, or have been, examined by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, as the case may be, to determine whether, having regard to the conditions laid down in—

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- (a) paragraphs 2, 3 and 10 of Schedule 3, and
- (b) paragraphs 1 and 12 of Schedule 4,

the plants produced in the plot indicate that the corresponding plants in the field are satisfactory plants from which to harvest CS seed.

### **Lodging of field inspection reports and similar documents**

8.—(1) Subject to paragraphs (2) and (3), an application to lodge a copy of a document to which paragraph (2) applies may be made to the National Assembly by a registered person.

(2) This paragraph applies—

- (a) in relation to a crop produced in Wales, to a field inspection report issued under regulation 7(9), (10), (11) or (12);
- (b) in relation to a crop produced in the United Kingdom elsewhere than in Wales, to a report relating to the crop equivalent to that specified in sub-paragraph (a) issued—
  - (i) by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, or
  - (ii) by a licensed crop inspector;
- (c) in relation to a crop produced in another member State, to an Annex IV(C) document relating to the crop issued by or on behalf of the competent seed certification authority in the member State; and
- (d) in relation to a crop produced in an equivalent third country, to an Annex II.A(3) official certificate relating to the crop issued by the approved seed certification authority in that country.

(3) A application made under this regulation shall—

- (a) be made in such form and manner as the National Assembly may require;
- (b) be made within such time as the National Assembly may require but, unless otherwise permitted by the National Assembly, must be made not later than the time when any seed test report relating to the seed harvested from the crop is lodged with the National Assembly under regulation 11;
- (c) subject to paragraph (4), be accompanied—
  - (i) in relation to a crop produced in Wales, by a copy of the document referred to in paragraph (2)(a);
  - (ii) in relation to a crop produced in the United Kingdom elsewhere than in Wales, by a copy of the document referred to in paragraph (2)(b) except that this need not be provided in a case where confirmation that the crop meets the conditions for the production of the appropriate category of seed has already been provided to the National Assembly by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development (as the case may be);
  - (iii) in relation to a crop produced in another member State, by a copy of the document referred to in paragraph (2)(c);
  - (iv) in relation to a crop produced in an equivalent third country, by a copy of the document referred to in paragraph (2)(d); and
  - (v) by such other information and documents as the National Assembly may require.

(4) The National Assembly may permit, subject to any conditions that it may impose, an application made under this regulation relating to a crop for which the applicant previously made a application under regulation 7(3) to be accompanied by the following document instead of the field inspection report issued under regulation 7(10) or (12), namely a document relating to the crop

(whether relating to that crop alone or relating to other crops in respect of which an application has been made by the applicant under regulation 7(3))—

- (a) that states, by reference to the relevant category, the conditions met by that crop;
- (b) that identifies the licensed crop inspector or inspectors who inspected the crop;
- (c) that states that during a period of three years from the date of issue of the field inspection report, the original report will be produced to the National Assembly on demand and that a copy of the report will be made available to it on request during that period; and
- (d) that contains such other information as the National Assembly may require.

(5) Where a document of the type specified in paragraph (4) accompanies an application made under this regulation instead of a field inspection report, the applicant shall produce the field inspection report referred to in paragraph (3) to the National Assembly on demand during the period of three years from the date of the issue of the field inspection report and shall make a copy of the report available to it on request during that period.

### Re-grading of crops

9.—(1) An application to re-grade—

- (a) a crop for the production of seed of the category specified in entry 1 or 2 in column 1 of the following table as a crop for the production of seed of the category specified in the corresponding entry in column 2 of the table (“the new category”), or
- (b) a crop for the production of seed of the category specified in entry 3 in column 1 of the following table as a crop for the production of seed of either of the categories specified in the corresponding entry in column 2 of the table (“the new category”),

may be made to the National Assembly by a registered person—

<i>Column (1)</i>	<i>Column (2)</i>
1. Pre-basic seed	Basic seed
2. Basic seed	Pre-basic seed
3. CS seed	Pre-basic seed Basic seed

(2) An application made under this regulation shall be made in such form and manner and at such time as the National Assembly shall require and shall be accompanied by—

- (a) a copy of the field inspection report previously issued in respect of the crop unless this has previously been lodged with it, and
- (b) such other information as the National Assembly may require for the purpose of determining the application.

(3) Where an application under this regulation has been made in respect of a crop that has not been harvested the National Assembly shall carry out a field inspection of the crop to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed if—

- (a) the previous field inspection report issued in respect of the crop was not issued by it, and
- (b) the condition and stage of development of the crop permit an adequate examination.

(4) If the National Assembly—

- (a) has carried out a field inspection of the crop (whether in connection with the original application for a field inspection of the crop or in accordance with paragraph (3));

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- (b) is satisfied that the crop has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; and
- (c) is satisfied that the crop meets or (if the crop has already been harvested) would have met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed;

it shall notify the applicant that the crop has been found to meet or (if the crop has already been harvested) it has been found that it would have met the conditions referred to in paragraph (c) and that the application to re-grade the crop has been successful.

(5) If the National Assembly is satisfied that the conditions specified in paragraph (4) have not been met it shall notify the applicant that the application to re-grade the crop has been unsuccessful.

### **Seed testing**

**10.**—(1) Subject to paragraphs (2), (3) and (4), an application may be made to a licensed seed testing station by a registered person for the testing of an official sample of a qualifying seed lot of—

- (a) seed as pre-basic seed (“a regulation 10(1)(a) seed lot”);
- (b) seed as basic seed (“a regulation 10(1)(b) seed lot”); or
- (c) seed as CS seed (“a regulation 10(1)(c) seed lot”).

(2) An application made under this regulation shall not be made in respect of seed of a variety that is not listed, or seed of a component of a hybrid variety that is not listed, unless—

- (a) an application for listing of the variety, or hybrid variety, has been made which has not been withdrawn or finally determined, or
- (b) a marketing extension is in force in respect of the variety or hybrid variety.

(3) An application made under this regulation may be considered by the National Assembly instead of a licensed seed testing station.

(4) If permitted by the National Assembly, an application made under this regulation may be made to it instead of a licensed seed testing station.

(5) An application made under this regulation shall—

- (a) be made in such form and manner and at such time as the National Assembly may require, and
- (b) be accompanied by an official sample of the seed to be tested and such other information, material, seeds, records, illustrations and other documents as the National Assembly may require.

(6) Following the receipt of an application made under this regulation the licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies) shall, subject to paragraph (7), test seed taken from the official sample provided under paragraph (5)(b) to determine whether it meets the conditions laid down in Part II of Schedule 4—

- (a) for the category of seed for which the application is being made, and
- (b) unless requested not to do so by the applicant, for any other category of seed to which paragraph (14) applies.

(7) Where a seed test report has previously been issued by a licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies) in accordance with paragraph (8) (a), (9), (10), (11) or (12) in respect of a seed lot, the licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies) may decide not to test any further official sample of that seed lot for the purposes of paragraph (6) if the information contained in the previously issued report contains sufficient information to enable it (or the National Assembly) to determine that the official sample would meet the conditions laid down in Part II of Schedule 4—

- (a) for the appropriate category of seed, and
  - (b) where applicable, for any other category of seed to which paragraph (14) applies.
- (8) Subject to paragraph (13), where—
- (a) the official sample is found to satisfy the conditions laid down in Part II of Schedule 4 for
    - (i) the appropriate category of seed, and
    - (ii) where applicable, for any other category of seed to which paragraph (14) applies, or
  - (b) the provisions of paragraph (7) apply,
- the licensed seed testing station (or the National Assembly where paragraph (3) or (4) applies) shall issue a seed test report to the applicant stating (by reference to the relevant category or categories of seed) that the seed lot has been found to meet those conditions.
- (9) Subject to paragraph (13), where it has been determined, by way of a Schedule 4 germination test, that the official sample taken from a regulation 10(1)(a) or (b) seed lot will not meet the applicable germination condition but the sample is found to satisfy all the other conditions laid down in Part II of Schedule 4 for the appropriate category of seed, the licensed seed testing station (or the National Assembly where paragraph (3) or (4) applies), shall issue a seed test report to the applicant containing a statement to that effect.
- (10) Where (otherwise than in connection with a retest of the seed) the results of a Schedule 4 germination test of an official sample of a seed lot referred to in paragraph (1) are awaited, and, except for the result of that test, the official sample has otherwise been found to meet all the other conditions laid down in Part II of Schedule 4—
- (a) for the appropriate category of seed, and
  - (b) where applicable, for any other category of seed to which paragraph (14) applies,
- the licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies), shall, subject to paragraph (13), issue an interim seed test report to the applicant stating that the results of the Schedule 4 germination test for the official sample are awaited but that it has otherwise been found to meet all the other conditions laid down in Part II of Schedule 4 for the appropriate category of seed, and, where applicable, for any relevant category of seed to which paragraph (14) applies.
- (11) Where, following the issue of an interim seed test report under paragraph (10), the tested seed is found to meet the applicable germination condition, the licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies), shall, subject to paragraph (13), issue a seed test report to the applicant stating that the official sample has been found to meet the conditions laid down in Part II of Schedule 4 for the appropriate category of seed, and, where applicable, for any other category of seed to which paragraph (14) applies.
- (12) Subject to paragraphs (9) and (10), where an official sample of a seed lot referred to in paragraph (1) is found not to satisfy the conditions laid down in Part II of Schedule 4 for the appropriate category of seed, the licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies) shall issue and send to the applicant a seed test report—
- (a) stating that the official sample has been found not to meet those conditions, and
  - (b) subject to paragraph (13), in a case where the seed has been tested to determine whether it meets the conditions laid down in Part II of Schedule 4 for any other category of seed to which paragraph (14) applies, stating (by reference to the relevant category) whether the seed has been found to meet the conditions for any such category.
- (13) If it appears to the National Assembly that an official sample of the seed lot taken for the purpose of a test in order to ascertain whether it met the appropriate conditions laid down in Part II of Schedule 4 was not taken in accordance with the requirements of regulation 20 the National Assembly may—

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- (a) in a case where paragraph (3) or (4) applies, refuse to issue a seed test report in accordance with paragraph (8), (9), (10), (11) or (12)(b), and, in such a case, shall notify the applicant of its decision and the reason for it, or
  - (b) in a case where paragraph (3) or (4) does not apply, direct the licensed seed testing station to refuse to issue a seed test report in accordance with those paragraphs and the licensed seed testing station shall comply with that direction and shall notify the applicant of the reason for its refusal to issue the report.
- (14) This paragraph applies to the following categories of seed—
- (a) in the case of an application made under this regulation relating to a regulation 10(1)(a) seed lot, to the category of basic seed, and
  - (b) in the case of an application made under this regulation relating to a regulation 10(1)(b) seed lot, other than a component of a hybrid variety, to the category of pre-basic seed.
- (15) In this regulation “qualifying seed lot” means a seed lot—
- (a) containing seed harvested from a crop produced in Wales for which a field inspection report has been issued in accordance with—
    - (i) regulation 7(9);
    - (ii) regulation 7(10); or
    - (iii) regulation 7(11) in a case where the crop has been found to meet the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any category of seed referred to in regulation 7(11)(b);
  - (b) containing seed harvested from a crop produced in the United Kingdom elsewhere than in Wales—
    - (i) in respect of which the National Assembly has received confirmation of crop approval by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development (as the case may be) that the crop meets conditions equivalent to those laid down in Schedule 3 and Part I of Schedule 4, or
    - (ii) for which a copy of the field inspection report relating to the crop has been lodged with the National Assembly in accordance with regulation 8; or
  - (c) imported into the United Kingdom as—
    - (i) not finally certified pre-basic, basic or CS seed harvested in another member State and for which the Annex IV(C) document relating to the crop from which the seed in the seed lot was harvested has been lodged with the National Assembly in accordance with regulation 8, or
    - (ii) not finally certified CS seed harvested in an equivalent third country and for which the Annex II.A(3) official certificate relating to the crop from which the seed in the seed lot was harvested has been lodged with the National Assembly in accordance with regulation 8.

### **Lodging of seed test reports**

**11.—**(1) A registered person to whom a final seed test report has been sent shall lodge the report with the National Assembly—

- (a) except in relation to seed to which sub-paragraph (b) applies, within one month of the report being issued or within such time as the National Assembly may otherwise allow; and
- (b) in a case where the seed to which the final seed test report relates—
  - (i) is of a variety that is not listed, or



- (ii) is a component of a hybrid variety that is not listed, within one month of the date on which the variety or hybrid variety (as the case may be) is listed or within such time as the National Assembly may otherwise allow.
- (2) An application to lodge a final seed test report shall—
  - (a) be made in such form and manner as the National Assembly may require, and
  - (b) be accompanied by the final seed test report and such other information and documents as the National Assembly may require.
- (3) Subject to paragraph (4), the National Assembly shall acknowledge receipt of each final seed test report lodged with it.
- (4) Subject to paragraph (5), unless specifically requested to do so by the applicant, the National Assembly shall not individually acknowledge the receipt of each final seed test report lodged with it by the applicant but shall periodically provide the applicant with a list of those seed lots for which the applicant has lodged a final seed test report with it.
- (5) Where the National Assembly has previously provided the applicant with a seed test report list, the list periodically provided to the applicant under paragraph (4) shall list only those seed lots for which the applicant has lodged a final seed test report with it during the period since it last provided the applicant with a seed test report list.
- (6) In this regulation “final seed test report” means a seed test report issued in accordance with regulation 10(8), (9), (11) or (12).

### **Re-grading of seed**

- 12.—**(1) An application to re-grade—
- (a) seed of the type specified in entry 1, 2, 3 or 4 in column 1 of the table in Schedule 5 as seed of the type specified in the corresponding entry in column 2 of the table (“the new category”), or
  - (b) seed of the type specified in entry 5 in column 1 of the table in Schedule 5 as seed of either of the types specified in the corresponding entry in column 2 of the table (“the new category”),
- may be made to the National Assembly by a registered person.
- (2) An application made under this regulation shall be made in such form and manner and at such time as the National Assembly shall require and, if required by the National Assembly, shall be accompanied by—
    - (a) an official sample of the seed to which the application relates;
    - (b) an application made under regulation 10 for the testing of an official sample of the seed lot; and
    - (c) such other information and other documents as the National Assembly may require for the purpose of determining the application.
  - (3) The National Assembly may test, or arrange for a licensed seed testing station to test, seed from an official sample of a seed lot in respect of which an application has been made under this regulation to determine whether it meets the conditions laid down in Part II of Schedule 4 for the new category of seed.
  - (4) Where—
    - (a) the National Assembly is satisfied that the seed has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety;

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- (b) in a case where the seed was harvested from a crop produced in Wales, the National Assembly carried out a field inspection of the crop;
- (c) in a case where the seed was harvested from a crop produced in the United Kingdom elsewhere than in Wales, a field inspection of the crop was carried out by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development;
- (d) in a case where the seed was harvested from a crop produced in another member State, a field inspection of the crop was carried out by or on behalf of the seed certification authority in the member State; and
- (e) in a case where the seed was harvested from a crop produced in an equivalent third country, a field inspection of the crop was carried out by the approved seed certification authority in the third country;
- (f) the National Assembly is satisfied that the seed was harvested from a crop that met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed;
- (g) in a case where the official sample referred to in paragraph (2) has been tested, it has been found to satisfy the conditions laid down in Part II of Schedule 4 for the new category of seed; and
- (h) in a case where the official sample referred to in paragraph (2) has not been tested, the National Assembly is satisfied on the basis of the information contained in a seed test report previously issued in respect of the lot—
  - (i) by on behalf of the National Assembly, the Secretary of State, the Scottish Ministers, the Department of Agriculture and Rural Development or by a licensed seed testing station;
  - (ii) by on behalf of the competent seed certification authority in another member State or by a licensed EC seed testing station in another member State; or
  - (iii) by the approved seed certification authority or by a licensed third country seed testing station in an equivalent third country,
 that the seed in the lot satisfies the conditions laid down in Part II of Schedule 4 for the new category of seed,

the National Assembly shall notify the applicant that the application to re-grade the seed lot has been successful.

(5) Where the National Assembly is satisfied that the conditions specified in paragraph (4) have not been met it shall inform the applicant that the application to re-grade the seed lot has been unsuccessful.

### **Withdrawals**

**13.—**(1) The National Assembly may withdraw the official certification in respect of a seed lot, or any part of a seed lot, if—

- (a) the findings or results obtained from a sample of seed submitted or taken in connection with an application made under regulation 5, 10 or 12 relating to the seed lot, or from plants grown in a control plot that has been sown with seed from that sample, are to be disregarded in accordance with regulation 20(6);
- (b) on the basis of information received by the National Assembly it is satisfied that the crop from which the seed in the seed lot was harvested did not meet the conditions laid down in Schedule 3 or Part I of Schedule 4; or

- (c) on the basis of information received by the National Assembly it is satisfied that the seed in the lot, or part of the lot—
- (i) did not meet the conditions laid down in Part II or III of Schedule 4 at the time the seed was tested for seed certification purposes, or
  - (ii) although it met the conditions of Part II of Schedule 4 at the time of such testing it no longer meets them.
- (2) The National Assembly may withdraw the official certification in respect of a seed lot, or any part of a seed lot, by giving notice to—
- (a) the person who made an application under regulation 10 in respect of the seed lot, or
  - (b) any person marketing, or who has marketed, any of the seed;
- (3) Where the official certification of a seed lot, or part of a seed lot, is withdrawn under this regulation, the National Assembly may notify—
- (a) the person who made an application under regulation 10 in respect of the seed lot,
  - (b) any person marketing, or who has marketed, any of the seed; and
  - (c) any person who has purchased, or been supplied with, any of the seed,
- that the official certification in respect of the lot, or part of the lot (as the case may be) has been withdrawn.
- (4) Where the official certification of a seed lot, or part of a seed lot, is withdrawn under this regulation, the person to whom notice is given under paragraph (2) shall, as soon as practicable, and in any case not later than seven days after receiving the notice, notify any person to whom any seed has been sold or supplied of such withdrawal.
- (5) Any person who has purchased seed from a seed lot, or part of a seed lot, for which official certification has been withdrawn under this regulation (not being a person notified under paragraph (2)) shall notify any person to whom any seed has been sold or supplied of the withdrawal as soon as practicable after receiving notice of it—
- (a) pursuant to paragraph (3), by the National Assembly, or
  - (b) pursuant to paragraph (4), by the person who sold or supplied the seed to him or her,
- and, in any case, not later than seven days after receiving such notice.

## PART III

### CONTROL OF BEET SEED

#### Marketing of seed

**14.**—(1) Subject to paragraph (2) and regulations 17 to 19, no person shall market any seed to which these Regulations apply except for seed listed in Schedule 6.

(2) Paragraph (1) shall not apply to the marketing of seed, as grown, for processing, provided that the identity of the seed is ensured.

(3) Any person marketing seed that has been imported from a third country and exceeds two kilograms shall supply the National Assembly, in writing and within one month of the first marketing of the seed, with the following particulars relating to the seed—

- (a) the species;
- (b) the variety;
- (c) the category;

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- (d) the country of production and the official inspection authority;
- (e) the country of despatch;
- (f) the importer; and
- (g) the quantity of seed.

#### **Marketing of officially certified lower germination seed**

**15.** No person shall market officially certified pre-basic or basic seed that has been found by the competent seed certification authority that certified the seed not to satisfy the germination condition for such seed, or (regardless of the findings of the competent seed certification authority) the person marketing the seed knows does not satisfy that condition, unless—

- (a) the official label contains a statement that the minimum percentage of germination of the seed is less than the EC minimum percentage of germination for the relevant category of seed;
- (b) the person marketing the seed guarantees a specific minimum percentage of germination for the seed; and
- (c) another label is attached to the outside of the package containing the seed specifying the specific minimum percentage of germination guaranteed by the person marketing the seed, the person's name and address and the reference number of the seed lot.

#### **Marketing of officially certified early movement seed**

**16.—(1)** A person may market officially certified early movement pre-basic seed, officially certified early movement basic seed or officially certified early movement commercial seed before the completion of the germination test, if the person marketing the seed—

- (a) obtains a provisional analytical report indicating what the percentage of germination of the seed is likely to be;
- (b) provides the first buyer, upon or before delivery of the seed, with a written statement that the seed is marketed before the completion of the official germination test together with the result in the provisional analytical report;
- (c) notifies the National Assembly in writing of the name and address of the first buyer by way of trade as soon as practicable after delivery and in any event not later than seven days after delivery;
- (d) guarantees a specific minimum percentage of germination, which shall be the percentage of germination of the seed as ascertained in the provisional analytical report;
- (e) ensures that a label accompanies the package containing the seed and that the label contains—
  - (i) a statement that the seed is being sold before completion of the official germination test;
  - (ii) a statement of the specific minimum percentage of germination in accordance with paragraph (d) together with the name and address of the person marketing the seed and the reference number of the seed lot.

(2) In the event of the official germination test showing the failure of the seed to comply with the minimum germination standard specified in paragraph 13 of Part II of Schedule 4 for seed of the relevant category, the person marketing the seed shall provide the first buyer with the result of the completed official germination test, in writing, as soon as practicable and in any event not later than 7 days after being informed of the test.

(3) Paragraphs (1) and (2) shall not apply to seed which has been imported from a country which is not an EEA State.

(4) For purposes of this regulation—

(a) “officially certified early movement pre-basic seed” means any of the following—

- (i) UK officially certified early movement pre-basic seed of a listed variety;
- (ii) EC officially certified early movement pre-basic seed of a listed variety;
- (iii) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety;
- (iv) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.

(b) “officially certified basic seed” means any of the following—

- (i) UK officially certified early movement basic seed of a listed variety;
- (ii) EC officially certified early movement basic seed of a listed variety;
- (iii) UK officially certified early movement basic seed of a component used in the production of a listed hybrid variety;
- (iv) EC officially certified early movement basic seed of a component used in the production of a listed hybrid variety.

(c) “officially certified early movement commercial seed” means any of the following—

- (i) UK officially certified early movement commercial seed;
- EC officially certified early movement commercial seed.

#### **Exception for scientific purposes and selection work**

17.—(1) The prohibition in regulation 14(1) shall not apply to the marketing by a producer of small quantities of seed for scientific purposes or selection work for which—

- (a) an authorisation has been granted to the producer by the National Assembly in accordance with this regulation, or
- (b) an authorisation has been granted to the producer by or on behalf of—
  - (i) the Scottish Ministers;
  - (ii) the Secretary of State;
  - (iii) the Department of Agriculture and Rural Development; or
  - (iv) a competent seed certification authority in another member State, pursuant to Article 6(1)(a) of the Beet Seed Directive.

(2) A producer in Wales may apply to the National Assembly for a regulation 17 authorisation.

(3) An application made under this regulation shall be made in such form and manner and at such time as the National Assembly shall require and shall be accompanied by such information as the National Assembly may require for the purpose of determining whether to grant an authorisation.

(4) The National Assembly shall not grant a regulation 17 authorisation in respect of seed of a genetically modified variety unless an authorisation is in force in respect of the variety concerned under either—

- (a) Part C of the Deliberate Release Directive; or
- (b) the Food and Feed Regulation.

(5) A regulation 17 authorisation may—

- (a) specify the amount of seed that may be marketed under it, and

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- (b) impose such conditions as the National Assembly may think necessary or desirable having regard to the nature of the scientific purpose or selection work involved and the nature of the seed to which the authorisation relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

### **[<sup>F3</sup>Exception for test and trial seed**

**18.**—(1) The prohibition in regulation 14(1) shall not apply to the marketing by a producer of seed for test and trial purposes in accordance with—

- (a) an authorisation which has been granted to the producer by the National Assembly in accordance with this regulation; or
- (b) an authorisation which has been granted to the producer by or on behalf of—
  - (i) the Secretary of State;
  - (ii) the Scottish Ministers;
  - (iii) the Department of Agriculture and Rural Development; or
  - (iv) a competent seed certification authority in another member State,
 in accordance with Article 2(1) of the 2004 Commission Decision.

(2) No producer shall market test and trial seed—

- (a) except for the purposes of tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of a variety of a beet species specified in Schedule 2;
- (b) unless a field inspection report has been issued by the National Assembly or by a licensed crop inspector stating that the seed satisfies the conditions for CS seed laid down in Schedule 3;
- (c) unless a seed test report has been issued by the National Assembly or by a licensed seed testing station stating that the seed satisfies the conditions for CS seed laid down in Schedule 4; or
- (d) if such marketing would contravene a prohibition on the use of the variety published by the National Assembly in the gazette that complies with Article 14 of the 2004 Commission Decision.

(3) A producer of seed established in Wales may apply to the National Assembly for the grant or renewal of a regulation 18 authorisation.

(4) A regulation 18 authorisation granted by the National Assembly shall last for a period of one year or such shorter period as the National Assembly may specify.

(5) An application for authorisation or renewal of a regulation 18 authorisation shall be made in writing to the National Assembly and shall be accompanied by such information as the National Assembly may require.

(6) The National Assembly shall not grant a regulation 18 authorisation unless it is satisfied that—

- (a) the seed is of a variety for which an application has been made by the producer under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a National List and which application has not been withdrawn or finally determined; and
- (b) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety under either—
  - (i) Part C of the Deliberate Release Directive; or
  - (ii) the Food and Feed Regulation.

(7) The National Assembly shall not authorise marketing of an amount of seed in excess of that permitted by Article 7 of the 2004 Commission Decision.

(8) A regulation 18 authorisation may impose such conditions as the National Assembly may think necessary or desirable having regard to the nature of the test or trial and the nature of the seed to which the authorisation relates.

(9) The National Assembly may withdraw a regulation 18 authorisation where there is a breach of any condition referred to in paragraph (8).

(10) A regulation 18 authorisation shall cease to have effect where the application referred to in paragraph (6)(a) is withdrawn or rejected or the variety is entered in a National List or the Common Catalogue.

(11) The National Assembly may require a producer to whom it has granted a regulation 18 authorisation to provide it with information about—

- (a) the results of the tests and trials to which the authorisation relates; or
- (b) the quantities of seed marketed during the authorised period and the name of the member State for which the seed was destined.

(12) A producer to whom a regulation 18 authorisation has been granted must, within such period as is specified by the National Assembly, lodge copies of the reports referred to in paragraphs (2) (b) and (c) with it.]

**F3** Reg. 18 substituted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **2(3)**

### General exemptions

**19.**—(1) The prohibition in regulation 14(1) shall not apply to the marketing of seed that is authorised by a general licence made by the National Assembly under this regulation but in all other respects the provisions of these Regulations shall continue to apply in relation to the marketing of the seed.

(2) Subject to paragraph (3), the National Assembly may, by a general licence, exempt any person or class of persons, or persons generally, from compliance with any provision of these Regulations.

(3) The National Assembly shall not exercise the power to issue a general licence under paragraph (2) except—

- (a) to the extent that the provisions of the general licence are permitted in accordance with a temporary experiment organised under Article 19 of the Beet Seed Directive;
  - (b) to give effect to the provisions of a Council Decision made under Article 23 of the Beet Seed Directive and amendments made to such a Decision; or
  - (c) to the extent that the provisions of the general licence are permitted in accordance with measures taken pursuant to Article 24 of the Beet Seed Directive.
- (4) A general licence issued under paragraph (2)—
- (a) shall have effect during the period specified in it unless the National Assembly revokes it earlier, and
  - (b) may impose such conditions as the National Assembly may think necessary or desirable having regard to the marketing permitted by the general licence and the nature of the seed to which it relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

*Status: Point in time view as at 31/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)*

## Sampling

**20.**—(1) A sample of seeds taken in connection with a [<sup>F4</sup>regulation 5, 10, 12 or 18] application shall be drawn—

- (a) by—
  - (i) an authorised officer, or
  - (ii) a licensed seed sampler acting under the supervision of the authority who appointed the licensed seed sampler;
- (b) in accordance with the method laid down in Schedule 5 of the Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005 <sup>M15</sup>; and
- (c) from a homogeneous seed lot.

(2) Subject to paragraph (3), the maximum weight of a seed lot shall be that specified in Part I of Schedule 7.

(3) A seed lot may exceed the maximum weight for a seed lot set out in Part I of Schedule 7 by not more than 5%.

(4) The minimum weight of a sample shall be that specified in Part II of Schedule 7.

(5) The minimum weight of a sample for a moisture test shall be that specified in Part III of Schedule 7.

(6) If a sample of seeds submitted or taken in connection with a [<sup>F5</sup>regulation 5, 10, 12 or 18] application—

- (a) is found not to have been taken in accordance with paragraph (1);
- (b) is taken from a seed lot that does not comply with paragraph (2); or
- (c) does not comply with paragraph (4) or (5),

no further use of that sample shall be made under these Regulations, and any findings or results already obtained from testing seed taken from that sample, or from inspecting plants grown in a control plot that has been sown with seed from that sample, shall be disregarded.

**F4** Word in reg. 20(1) substituted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **2(4)**

**F5** Word in reg. 20(6) substituted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **2(4)**

### Marginal Citations

**M15** [S.I. 2005/3038 \(W.226\)](#).

## Packaging

**21.**—(1) No person shall market any officially certified pre-basic, basic or CS seed unless it is marketed in a sufficiently homogeneous seed lot or in part of such a seed lot.

(2) Subject to paragraph (3), no person shall market any breeder's seed or officially certified pre-basic, basic<sup>F6</sup>, CS or test and trial seed] unless it is in a properly sealed package.

(3) [<sup>F7</sup>Except in relation to test and trial seed, paragraph (2)] shall not apply in the case of the marketing of seed not exceeding 2.5 kilograms in weight to the final consumer.

(4) In this regulation, in the case of breeder's seed, “properly sealed package” means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.



(5) In this regulation, in the case of a package of officially certified pre-basic, basic or CS seed, other than a small EC package of basic or CS seed, that has been sealed only once “properly sealed package” means—

(a) in the case of a package of seed sealed in Wales, a sealed package of seed that has been sealed—

- (i) no later than at the time of official sampling;
- (ii) by a person to whom regulation 22(5) applies;
- (iii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
- (iv) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;

(b) in the case of a package of seed sealed in—

- (i) in the United Kingdom, elsewhere than in Wales, or
- (ii) in another member State,

a sealed package of seed that has been sealed in accordance with the provisions of Article 11(1) of the Beet Seed Directive;

(c) in the case of a package of seed sealed in an equivalent third country, a sealed package of seed that has been sealed in accordance with the provisions of paragraph 1 of Part B of Annex II to the Third Country Equivalence Decision.

(6) In this regulation, in the case of a small EC package of officially certified basic or CS seed that has been sealed only once “properly sealed package” means—

(a) in the case of a package of seed sealed in Wales, a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package, and

(b) in the case of a package of seed sealed in—

- (i) the United Kingdom, elsewhere than in Wales, or
- (ii) another member State,

a sealed package of seed that has been sealed in accordance with the relevant provisions of Article 11(3) of the Beet Seed Directive;

(7) In this regulation, in the case of a package of officially certified pre-basic, basic or CS seed, other than a small EC package of basic or CS seed, that has been sealed more than once, “properly sealed package” means—

(a) in the case of a package of seed that has been resealed in Wales, a sealed package of seed that, on each occasion it has been resealed, has been resealed—

- (i) by a person to whom regulation 22(5) applies, and
- (ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;

(b) in the case of a package of seed that has been resealed in—

- (i) the United Kingdom, elsewhere than in Wales, or
- (ii) another member State,

a sealed package of seed that, on each occasion it has been resealed, has been sealed in accordance with the provisions of Article 11(2) of the Beet Seed Directive; and

(c) in the case of seed that has been resealed in an equivalent third country, a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with

*Status: Point in time view as at 31/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)*

the provisions of paragraph 1 of Part B of Annex II to the Third Country Equivalence Decision.

(8) In this regulation, in the case of a small EC package of officially certified basic or CS seed that has been sealed more than once, “properly sealed package” means—

- (a) in the case of a package of seed that has been resealed in Wales, a sealed package of seed that, on each occasion it has been resealed, has been resealed—
  - (i) by a person to whom regulation 22(5) applies, and
  - (ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package, and
- (b) in the case of a package of seed that has been resealed in—
  - (i) the United Kingdom, elsewhere than in Wales, or
  - (ii) another member State,

a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with the provisions of Article 11(3) of the Beet Seed Directive.

[<sup>F8</sup>(9) In this regulation, in the case of test and trial seed, a “properly sealed package” means—

- (a) in the case of a package of seed sealed in Wales, a package of seed that has been sealed—
  - (i) by a person to whom regulation 22(5) applies;
  - (ii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
  - (iii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; and
- (b) in the case of a package of seed sealed in—
  - (i) the United Kingdom, elsewhere than in Wales, or
  - (ii) another member State,

a package of seed that has been sealed in accordance with the provisions of Article 8 of the 2004 Commission Decision.]

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| <b>F6</b> | Words in <a href="#">reg. 21(2)</a> substituted (31.1.2007) by <a href="#">The Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007 (S.I. 2007/119)</a> , regs. 1, <a href="#">2(5)(a)</a> |
| <b>F7</b> | Words in <a href="#">reg. 21(3)</a> substituted (31.1.2007) by <a href="#">The Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007 (S.I. 2007/119)</a> , regs. 1, <a href="#">2(5)(b)</a> |
| <b>F8</b> | <a href="#">Reg. 21(9)</a> inserted (31.1.2007) by <a href="#">The Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007 (S.I. 2007/119)</a> , regs. 1, <a href="#">2(5)(c)</a>             |

### Sealing of packages

**22.**—(1) Subject to paragraph (2), no person shall seal a package of officially certified pre-basic, basic or CS seed except a person to whom paragraph (5) applies.

(2) Paragraph (1) shall not apply to the sealing of a small EC package of officially certified basic or CS seed.

(3) Subject to paragraph (4), no person shall reseal a package (including a small EC package) of officially certified pre-basic, basic or CS seed except a person to whom paragraph (5) applies.

(4) Paragraph (3) shall not apply where a package has been resealed which had previously been opened by the final consumer of the seed for the purpose of using some of the seed in the package.

[<sup>F9</sup>(4A) No person shall seal or reseal a package of test and trial seed except a person to whom paragraph (5) applies.]

- (5) This paragraph applies to—
- (a) an authorised officer and any person being supervised by such a person, and
  - (b) a licensed seed sampler and any person being supervised by such a person.

**F9** Reg. 22(4A) inserted (31.1.2007) by The Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007 (S.I. 2007/119), regs. 1, 2(6)

### Labelling of packages

**23.**—(1) Subject to paragraphs (2) and (3), no person shall market any breeder's seed or officially certified pre-basic, basic<sup>F10</sup>, CS seed or test and trial seed] except in a package that is labelled in accordance with the following paragraphs of this regulation.

(2) Paragraph (1) shall not apply to the marketing of seed, as grown, for processing provided the identity of the seed is ensured.

(3) A person may market any seeds<sup>F11</sup>, other than test and trial seed] otherwise than in a package that complies with the other provisions of this regulation where—

- (a) the seeds are sold in a quantity not exceeding 2.5 kilograms, and
- (b) the seeds are taken, in the presence of the final consumer, from a container on which there is clearly and visibly marked or near which there is clearly and visibly displayed a statement containing particulars of the matters specified in paragraph 1 of Schedule 8.

(4) A package of breeder's seed shall be labelled in accordance with paragraphs 2 and 3 of Schedule 8.

(5) A package of officially certified pre-basic seed shall be labelled—

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 4 to 7 of Schedule 8, and
- (b) in the case of a package of seed sealed—
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,in accordance with the provisions of Article 21(c) of the Beet Seed Directive.

(6) A package (other than a small EC package) of officially certified basic or CS seed shall be labelled—

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 8 to 12 of Schedule 8;
- (b) in the case of a package of seed sealed—
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,in accordance with the provisions of Article 12(a) of the Beet Seed Directive; and
- (c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision as they apply to basic or CS seed.

(7) A small EC package of officially certified basic or CS seed shall be labelled—

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*Changes to legislation: There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)*

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 13 to 15 of Schedule 8, and
  - (b) in the case of a package of seed sealed—
    - (i) in the United Kingdom, elsewhere than in Wales, or
    - (ii) in another member State,
 in accordance with the provisions of Article 13 of the Beet Seed Directive.
- (8) A package (other than a small EC package) of officially certified basic or CS seed shall contain a document which—
- (a) in the case of a package of seed sealed in Wales—
    - (i) is of the same colour as the official label fixed to the outside of the package in accordance with the provisions of paragraph (6)(a), and
    - (ii) contains the particulars specified in paragraph 8(c), (e), (f), (g) and (l) or (m) of Schedule 8;
  - (b) in the case of a package of seed sealed—
    - (i) in the United Kingdom, elsewhere than in Wales, or
    - (ii) in another member State,
 is in accordance with the provisions of Article 12(b) of the Beet Seed Directive; and
  - (c) in the case of a package of seed sealed in an equivalent third country, is in accordance with the provisions of paragraph 3.3 of Part B of Annex II to the Third Country Equivalence Decision as they apply to basic or CS seed.
- (9) The provisions of paragraph (8) shall not apply if—
- (a) the particulars specified in paragraph (8)(a)(ii) are printed indelibly on the outside of the package, or
  - (b) the official label is an adhesive or a tear resistant label.
- [<sup>F12</sup>(9A) A package of test and trial seed must be labelled—
- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 16, 17 and 18 of Schedule 8; and
  - (b) in the case of a package of seed sealed—
    - (i) in the United Kingdom, elsewhere than in Wales, or
    - (ii) in another member State,
 in accordance with the provisions of Article 9 of the 2004 Commission Decision.]
- (10) In the case of seed of a variety that has been genetically modified—
- (a) any label or document, official or otherwise, which is fixed to or accompanies a seed lot or any part of a seed lot under the provisions of these Regulations, and
  - (b) any particulars given under paragraph (3),
- shall clearly indicate that the variety has been genetically modified.
- (11) If any breeder's seed or officially certified pre-basic, basic<sup>F13</sup>, CS seed or test and trial seed] has been subjected to any chemical treatment then this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either—
- (a) in a case where paragraph (3) applies, with the particulars given in accordance with that paragraph; and
  - (b) in a case where paragraph (3) does not apply—
    - (i) on a separate supplier's label on the package; or

(ii) on the label required under paragraph (4), (5), (6)<sup>F14</sup>, (7) or (9A)];

and also, except where the information prescribed by this paragraph is given on an adhesive or tear-resistant label, either on the outside of the package or on a document enclosed inside the package.

(12) Subject to paragraph (13), if a package of officially certified pre-basic, basic or CS seed, other than a small EC package of basic or CS seed, has been resealed this fact shall be stated on the official label together with the date of resealing and the name of the authority responsible for the resealing.

(13) Where a package of seed of the type specified in paragraph 11, 12(3), 17, 18(3), 25 and 26(4) of Schedule 1 is resealed, the package shall be labelled with an OECD label containing the particulars otherwise required under this regulation.

(14) The particulars and the information given in accordance with this regulation shall be given in one of the official languages of the European Community.

(15) Subject to the provisions of the Act and of these Regulations, no person shall, in the course of the marketing or the preparation for marketing of any seed by himself or another person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label fixed to, contained in or marked on any package of seed or which is to be so fixed, contained or marked.

- F10** Words in reg. 23(1) inserted (31.1.2007) by The Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007 (S.I. 2007/119), regs. 1, 2(7)(a)
- F11** Words in reg. 23(3) inserted (31.1.2007) by The Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007 (S.I. 2007/119), regs. 1, 2(7)(b)
- F12** Reg. 23(9A) inserted (31.1.2007) by The Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007 (S.I. 2007/119), regs. 1, 2(7)(c)
- F13** Words in reg. 23(11) substituted (31.1.2007) by The Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007 (S.I. 2007/119), regs. 1, 2(7)(d)
- F14** Words in reg. 23(11)(b)(ii) substituted (31.1.2007) by The Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007 (S.I. 2007/119), regs. 1, 2(7)(e)

## PART IV

### MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

#### Civil liability of sellers of seeds

**24.**—(1) Particulars given to a purchaser by the seller of seed in pursuance of these Regulations, whether given expressly or by implication arising from the description under which the seed is sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the category of seed, the percentage germination of the seed, the percentage analytical purity of the seed, the content of seed of other plant species and the varietal identity and varietal purity of the seed.

(2) Section 17(2) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage germination, the percentage analytical purity, the content of seed of other plant species, the number of clusters with single seedlings or the number of clusters with three or more seedlings and there are hereby prescribed in respect of such matters the limits of variation set out in Schedule 9.

(3) Section 17(3) of the Act shall apply to any particulars given to a purchaser by the seller of the seed, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage

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germination, the percentage analytical purity, the content of seed of other plant species, the number of clusters with a single seedling, or the number of clusters with three or more seedlings.

(4) A purchaser who intends to obtain a test of seed for the purposes of section 17(3) of the Act shall, not more than ten days after delivery to the purchaser of the seed, give to the seller notice of intention and thereupon the seller may indicate a day (not being more than twenty-one days after the delivery of the seed to the purchaser) and a reasonable time on that day at which a sample of the seed may be taken in the presence of the seller or the seller's representative and the purchaser shall afford to the seller reasonable facilities for that purpose.

(5) On the day and at the time appointed by the seller in accordance with paragraph (4) or, if the seller shall have failed to appoint such a day and time, on a day not more than twenty-eight days after delivery of the seed to the purchaser, the purchaser or the purchaser's representative may, and if the seller or the seller's representative is present shall, take a sample of seed.

(6) A sample taken in accordance with the requirements of paragraph (5) shall be taken and divided by the purchaser or the purchaser's representative into two parts in accordance with the requirements contained in Schedule 5 of the Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005, of which one part shall be sent to the chief officer of an official testing station for the purpose of being tested and the other part delivered or tendered to the seller or the seller's representative or, if the seller or the seller's representative was not present when the sample was taken, sent to him or her by post.

(7) Where a sample is taken in accordance with the requirements of paragraph (5) and divided into two parts in accordance with paragraph (6) each part of the divided sample shall be of at least the appropriate minimum weight specified in Schedule 7 (lots and sample weights) of these Regulations.

### **Arrangements for official measures**

**25.—**(1) Subject to the following provisions of this regulation, the National Assembly may make arrangements, in such form as it is of the opinion may be necessary or desirable, for the purpose of enabling any person to act under its responsibility in carrying out official measures.

(2) The National Assembly shall not make an arrangement under this regulation unless it is satisfied that it will make provision for the purpose of preventing the person with whom the arrangement is made, and any other person, from—

- (a) deriving any private gain from any official measures carried out under the arrangement, and
- (b) carrying out any official measures under the arrangement except under the supervision of the National Assembly.

(3) An arrangement under this regulation may include such conditions as the National Assembly is of the opinion are necessary or desirable for the purposes referred to in paragraphs (1) and (2) above, including conditions—

- (a) specifying—
  - (i) the official measures that the person with whom the arrangement is made shall carry out under it;
  - (ii) the species and category of seed in respect of which the official measures may be carried out;
  - (iii) the methods to be used in connection with the official measures carried out under the arrangement;
  - (iv) the fees that may be charged by the person with whom the arrangement is made in relation to the official measures carried out under it; and

- (v) the records that must be kept by the person with whom the arrangement is made in connection with the official measures carried out;
  - (b) prohibiting the person with whom the arrangement is made from—
    - (i) carrying out the official measures except under official supervision, and
    - (ii) charging fees in relation to the official measures carried out under the arrangement except to the extent that these do not exceed the costs incurred in carrying them out; and
  - (c) prohibiting the person with whom the arrangement is made from making any further arrangement for any purpose in connection with the carrying out of any of the official measures the person has arranged with the National Assembly to carry out, unless—
    - (i) the National Assembly has first approved all the conditions of the further arrangement and the person with whom the arrangement was made has received the prior approval of the National Assembly to make the further arrangement;
    - (ii) the further arrangement includes a condition prohibiting the making of any subsequent arrangements for any purpose in connection with the carrying out of any of the official measures in respect of which the National Assembly made the arrangement;
    - (iii) the further arrangement includes an acknowledgement by the person with whom it is made that the National Assembly may vary, suspend or revoke the further arrangement, whether or not it also varies, suspends or revokes the arrangement it made with the person seeking its approval for the further arrangement; and
    - (iv) the further arrangement includes the conditions specified in sub-paragraphs (a) and (b).
- (4) The National Assembly shall not approve the making of a further arrangement by any person with whom it makes an arrangement under this regulation unless it is satisfied that the person with whom the further arrangement is to be made—
- (a) will not derive any private gain from any official measures the person is to be authorised to carry out under the further arrangement, and
  - (b) will not carry out any official measures under the further arrangement except under official supervision.
- (5) The National Assembly may vary, suspend or revoke an arrangement or the conditions of an arrangement made under this regulation, or a further arrangement or any of the conditions of a further arrangement under this regulation, by giving notice to the person with whom the arrangement or further arrangement is made, and a further arrangement may be varied, suspended or revoked under this paragraph notwithstanding that the arrangement in respect of which it was made is not also varied, suspended or revoked.
- (6) A notice of a variation, suspension or revocation of an arrangement or further arrangement, or of a condition of an arrangement or further arrangement, shall specify—
- (a) in respect of a variation or a revocation, a date on and after which the variation or revocation shall have effect, and
  - (b) in respect of a suspension, a period during which suspension shall have effect,
- and the variation, suspension or revocation shall have effect in accordance with the notice.
- (7) When a variation, suspension or revocation has effect the National Assembly may, for any purposes in relation to these Regulations or a determination under these Regulations, continue to have regard to such of the official measures carried out under an arrangement which was varied, suspended or revoked as appear to it to be official measures carried out in accordance with the provisions of these Regulations.

**Fees**

26.—(1) The National Assembly may charge any person reasonable fees in respect of costs reasonably incurred by the National Assembly in carrying out official measures for the purposes of these Regulations.

(2) The National Assembly may charge any person concerned in any matter connected with these Regulations reasonable fees in respect of costs reasonably incurred by the National Assembly in connection with that matter for the purposes of these Regulations, including the costs reasonably incurred by an officer authorised for the purposes of these Regulations by the National Assembly in connection with—

- (a) the taking of samples in accordance with regulation 20;
- (b) the sealing of packages in accordance with regulations 21 and 22; and
- (c) the labelling of packages in accordance with regulation 23.

(3) A person carrying out official measures in accordance with an arrangement or further arrangement under regulation 25 may charge any person, including any other person with whom an arrangement or further arrangement has been made under regulation 25, reasonable fees in respect of costs reasonably incurred in carrying out official measures under the responsibility of the National Assembly in accordance with these Regulations.

(4) All fees payable under these Regulations in connection with any application shall be payable—

- (a) at the time the application is made, or
- (b) with the agreement of the National Assembly or a person carrying out official measures in accordance with an arrangement or further arrangement under regulation 25 (as the case may be), within twenty-eight days following notice from the National Assembly or that person (as the case may be) demanding the fee payable in respect of such application.

(5) All other fees payable under these Regulations shall be payable within twenty-eight days following the issue of a notice under these Regulations demanding the payment of the fee.

(6) A fee charged in accordance with this regulation shall be recoverable as a debt from the person by whom the fee is payable.

**Service of notices**

27.—(1) Any notice required by virtue of these Regulations to be given to any person by the National Assembly may be given by it—

- (a) by delivering it to that person or by leaving it at that person's proper address or by sending it by post to that person at that address;
- (b) if the person is a body corporate other than a limited liability partnership, by giving it in accordance with paragraph (a) to the secretary of the body;
- (c) if the person is a limited liability partnership, by giving it in accordance with paragraph (a) to a member of the partnership; or
- (d) if the person is a partnership, by giving it in accordance with paragraph (a) to a partner or a person having control of the management of the partnership business.

(2) For the purposes of this section and section 7 of the Interpretation Act 1978<sup>M16</sup> (service of documents by post) in its application to this section, the proper address of any person to whom a notice is to be given shall be that person's last known address, except that—

- (a) in the case of a body corporate (other than a limited liability partnership) or its secretary, it shall be the address of the registered or principal office of the body;



- (b) in the case of a limited liability partnership or a member of the partnership, it shall be the address of the registered or principal office of the partnership; and
- (c) in the case of a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership.

(3) Paragraph (4) applies if a person to be given a notice under these Regulations by the National Assembly has specified to it an address within the United Kingdom other than that person's proper address (as determined under paragraph (2)) as the one at which the person or someone on the person's behalf will accept notices of that description.

(4) In relation to that notice, that address shall be treated as the person's proper address for the purposes of this regulation and section 7 of the Interpretation Act 1978 in its application to this regulation, instead of that determined under paragraph (2).

**Marginal Citations**

**M16** [1978 c. 30.](#)

**Index of defined words and expressions**

28. Schedule 10 contains an index of defined words and expressions used in these Regulations.

**Revocations and transitional provisions**

29.—(1) Subject to paragraph (2)—

- (a) the Beet Seeds Regulations 1993 <sup>M17</sup> and the Beet Seeds (Amendment) Regulations 1999 <sup>M18</sup> are revoked in relation to Wales;
- (b) the Beet Seeds (Amendment) (Wales) Regulations 2001 <sup>M19</sup> are revoked;
- (c) the Seeds (Fees) Regulations 1985 <sup>M20</sup> are revoked in so far as they apply to Wales in relation to matters arising under the Beet Seeds Regulations 1993; and
- (d) the Seeds (Fees) (Amendment) (Wales) Regulations 2002 <sup>M21</sup> are revoked in relation to matters arising under the Beet Seeds Regulations 1993.

(2) Section 17 of the Interpretation Act 1978 shall not apply in relation to general licences made under the Beet Seeds Regulations 1993.

**Marginal Citations**

**M17** [S.I. 1993/2006](#), relevant amending instruments are [S.I. 1997/616](#), [1999/1861](#), [2000/1791](#).

**M18** [S.I. 1999/1861](#)

**M19** [S.I. 2001/3658](#).

**M20** [S.I. 1985/981](#), amended by [S.I. 2002/1563](#).

**M21** [S.I. 2002/1554](#)

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**Status:** Point in time view as at 31/01/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)

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<sup>M22</sup>Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

**Marginal Citations**

**M22** [1998 c. 38.](#)

## SCHEDULE 1

Regulation 2(5) and 23(13) and  
Schedule 10

### INTERPRETATION

## PART I

### Meaning of pre-basic seed and similar expressions

#### Pre-basic seed

1. In these Regulations “pre-basic seed” means seed of a generation prior to basic seed that—
  - (a) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, and
  - (b) is intended to be used for the production of more pre-basic seed or basic seed.

#### UK officially certified pre-basic seed of a listed variety

2.—(1) In these Regulations “UK officially certified pre-basic 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 pre-basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as pre-basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
  - (a) pre-basic 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 basic seed is to be produced;
    - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and
    - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
  - (b) pre-basic 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) pre-basic seed of a listed variety that—
    - (i) has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State, and
    - (ii) complies with the requirements of paragraph (a)(ii) and (iii);

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- (d) pre-basic seed of a previously listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) for which a marketing extension is in force; and
  - (e) pre-basic seed—
    - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) that is 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 Secretary of State or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or seed 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 National Assembly under regulation 12 to re-grade it as pre-basic seed.

#### **EC officially certified pre-basic seed of a listed variety**

3. In these Regulations “EC officially certified pre-basic seed of a listed variety” means—
- (a) pre-basic seed of a listed variety officially certified as pre-basic seed by or on behalf of the competent seed certification authority in another member State, and
  - (b) pre-basic seed of a previously listed variety officially certified as pre-basic 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 pre-basic seed of a listed variety**

4. In these Regulations “overseas tested officially certified pre-basic seed of a listed variety” means pre-basic 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 has been found to satisfy the relevant Directive crop conditions for basic seed;
  - (b) for which a seed test report has been issued—
    - (i) 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, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),

stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;
  - (c) that has been imported into the United Kingdom as pre-basic 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 IV(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 pre-basic seed of a listed variety**

5.—(1) In these Regulations “UK officially certified early movement pre-basic 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 pre-basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as early movement pre-basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to—

(a) pre-basic 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 basic 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 basic seed;
- (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; 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 or by a UK seed test carried out under official supervision (in either case whenever carried out), to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;

(b) pre-basic 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) pre-basic seed of a listed variety—

- (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State, and
- (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and

(d) pre-basic seed of a previously listed variety—

- (i) that has been imported into the United Kingdom as not finally certified pre-basic 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 Secretary of State or the Department of Agriculture and Rural Development that has not been finally determined.

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(4) Seed of a listed variety, or seed 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 National Assembly under regulation 12 to re-grade it as early movement pre-basic seed.

#### **EC officially certified early movement pre-basic seed of a listed variety**

6. In these Regulations “EC officially certified early movement pre-basic seed of a listed variety” means—

- (a) pre-basic seed of a listed variety officially certified as early movement pre-basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) pre-basic seed of a previously listed variety officially certified as early movement pre-basic 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 pre-basic seed**

7. In these Regulations “officially certified pre-basic seed” means—

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

## **PART II**

### **Meaning of basic seed and similar expressions**

#### **Basic seed**

8.—(1) In these Regulations, other than in relation to a component of a hybrid, “basic seed” means seed—

- (a) that has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, and
- (b) that is intended to be used for the production of CS seed.

(2) In these Regulations, in relation to a component of a hybrid variety, “basic seed” means seed of the component—

- (a) that has been produced by or under the responsibility of the breeder, and
- (b) that is intended to be used for the production of CS seed of a hybrid variety.

#### **UK officially certified basic seed of a listed variety**

9.—(1) In these Regulations “UK officially certified basic 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 basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development, and

- (b) seed of a previously listed variety officially certified as basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
- (a) basic 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 basic seed is to be produced;
    - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and
    - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
  - (b) basic 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) basic seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
  - (d) basic seed of a previously listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) for which a marketing extension is in force; and
  - (e) basic seed—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) that is 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 Secretary of State or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or seed 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 National Assembly under regulation 12 to re-grade it as basic seed.

#### **EC officially certified basic seed of a listed variety**

**10.** In these Regulations “EC officially certified basic seed of a listed variety” means—

- (a) basic seed of a listed variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State, and

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

### **Third country officially certified basic seed of a listed variety**

**11.**—(1) In these Regulations “third country officially certified basic seed of a listed variety” means seed to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed of a listed variety—
  - (a) that was harvested from a crop that was produced—
    - (i) in an equivalent third country,
    - (ii) from a preceding generation of seed that was produced in accordance with the provisions specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
  - (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with OECD Beet Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with the OECD Beet Seed Scheme, and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
  - (d) that has been imported into the United Kingdom and was accompanied by—
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as basic seed; and
    - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for basic seed other than those relating to varietal identity and varietal purity; or
    - (iii) in a case where the seed has been certified in the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).
- (3) This sub-paragraph applies to basic seed—
  - (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of sub-paragraph (2)(a) to (d).

### **Overseas tested officially certified basic seed of a listed variety**

**12.**—(1) In these Regulations “overseas tested officially certified basic seed of a listed variety” means basic seed to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed—
  - (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report has been 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 basic seed;
  - (b) for which a seed test report has been issued—



- (i) 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, or
- (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),  
stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;
- (c) that was imported into the United Kingdom as basic 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 IV(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).
- (3) This sub-paragraph applies to basic seed—
  - (a) that complies with the requirements of paragraph 11(2)(a) to (d), and
  - (b) that was imported into the United Kingdom as basic seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

#### **UK officially certified early movement basic seed of a listed variety**

**13.—**(1) In these Regulations “UK officially certified early movement basic 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 basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
  - (a) basic 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 basic 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 basic seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; 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 or by a UK seed test carried out under official supervision (in either case whenever carried out), to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;

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- (b) basic 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) basic seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (d) basic seed of a previously listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic 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 Secretary of State or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or seed 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 National Assembly under regulation 12 to re-grade it as early movement basic seed.

#### **EC officially certified early movement basic seed of a listed variety**

**14.** In these Regulations “EC officially certified early movement basic seed of a listed variety” means—

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

#### **UK officially certified basic seed of a component of a listed hybrid variety**

**15.—(1)** In these Regulations “UK officially certified basic seed of a component of a listed hybrid variety” means seed to which paragraph (2) or (3) applies.

(2) This paragraph applies to—

- (a) seed of a component of a listed hybrid variety officially certified as basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development, and
- (b) seed of a component of a previously listed hybrid variety officially certified as basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.

(3) This paragraph applies to—

- (a) basic seed of a component of a listed hybrid 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 basic seed is to be produced;

- (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and
  - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
- (b) basic seed of a component of a previously listed hybrid variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force in respect of seed of the hybrid variety;
- (c) basic seed of a component of a listed hybrid variety—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
  - (ii) that complies with the requirements of sub-paragraph (a)(ii) and (iii);
- (d) basic seed of a component of a previously listed hybrid variety—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force in respect of seed of the hybrid variety;
- (e) basic seed—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) that is a component of a hybrid 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 Secretary of State or the Department of Agriculture and Rural Development that has not been finally determined.

#### **EC officially certified basic seed of a component of a listed hybrid variety**

**16.** In these Regulations “EC officially certified basic seed of a component of a listed hybrid variety” means—

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

#### **Third country officially certified basic seed of a component of a listed hybrid variety**

**17.—(1)** In these Regulations “third country officially certified basic seed of a component of a listed hybrid variety” means seed to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed of a component of a listed hybrid variety—
- (a) that was harvested from a crop that was produced—
    - (i) in an equivalent third country,

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- (ii) from a preceding generation of seed that was produced in accordance with the provisions specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
- (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with OECD Beet Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
- (c) that has been packed in packages that have been officially closed and marked in accordance with the OECD Beet Seed Scheme, and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
- (d) that has been imported into the United Kingdom and was accompanied by—
  - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as basic seed; and
  - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for basic seed other than those relating to varietal identity and varietal purity; or
  - (iii) in a case where the seed has been certified in the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).
- (3) This sub-paragraph applies to basic seed of a component—
  - (a) of a previously listed hybrid variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of sub-paragraph (2)(a) to (d).

#### **Overseas tested officially certified basic seed of a component of a listed hybrid variety**

**18.—**(1) In these Regulations “overseas tested officially certified basic seed of a component of a listed hybrid variety” means basic seed to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed of a component of a listed hybrid variety—
  - (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 has been found to satisfy the relevant Directive crop conditions for basic seed;
  - (b) for which a seed test report has been issued—
    - (i) 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, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),
 stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;
  - (c) that has been imported into the United Kingdom as a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed, and

- (d) that is accompanied by—
  - (i) an Annex IV(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).
- (3) This sub-paragraph applies to basic seed of a component of a listed hybrid variety—
  - (a) that complies with the requirements of paragraph 17(2)(a), (b) and (d), and
  - (b) that was imported into the United Kingdom as basic seed of a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed.

### **UK officially certified early movement basic seed of a component of a listed hybrid variety**

**19.**—(1) In these Regulations “UK officially certified early movement basic seed of a component of a listed hybrid variety” means seed of which paragraph (2) or (3) applies.

- (2) This paragraph applies to—
  - (a) seed of a component of a listed hybrid variety officially certified as early movement basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development, and
  - (b) seed of a component of a previously listed hybrid variety officially certified as early movement basic seed by or on behalf of the Scottish Ministers, the Secretary of State or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.
- (3) This paragraph applies to—
  - (a) basic seed of a component of a listed hybrid 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 basic seed is to be produced;
    - (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; 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 or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
  - (b) basic seed of a component of a previously listed hybrid variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force in respect of seed of the hybrid variety;
  - (c) basic seed of a component of a listed hybrid variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
    - (ii) complies with the requirements of sub-paragraph (a)(ii) to (iv); and
  - (d) basic seed of a component of a previously listed hybrid variety—

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- (i) that has been imported into the United Kingdom as not finally certified basic 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 in respect of seed of the hybrid variety, 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 Secretary of State or the Department of Agriculture and Rural Development that has not been finally determined.

#### **EC officially certified early movement basic seed of a component of a listed hybrid variety**

**20.** In these Regulations “EC officially certified early movement basic seed of a component of a listed hybrid variety” means—

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

#### **Officially certified basic seed**

**21.** In these Regulations “officially certified basic seed” means—

- (a) UK officially certified basic seed of a listed variety;
- (b) EC officially certified basic seed of a listed variety;
- (c) third country officially certified basic seed of a listed variety;
- (d) overseas tested officially certified basic seed of a listed variety;
- (e) UK officially certified early movement basic seed of a listed variety;
- (f) EC officially certified early movement basic seed of a listed variety;
- (g) UK officially certified basic seed of a component of a listed hybrid variety;
- (h) EC officially certified basic seed of a component of a listed hybrid variety;
- (i) third country officially certified basic seed of a component of a listed hybrid variety;
- (j) overseas tested officially certified basic seed of a component of a listed hybrid variety;
- (k) UK officially certified early movement basic seed of a component of a listed hybrid variety; and
- (l) EC officially certified early movement basic seed of a component of a listed hybrid variety.

## **PART III**

### **Meaning of CS seed and similar expressions**

#### **CS seed**

**22.** In these Regulations “CS seed” means seed that has been produced directly from officially certified basic seed and is intended for the production of beet.

### **UK officially certified CS seed of a listed variety**

**23.**—(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 Secretary of State 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 Secretary of State 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) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, 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 or by a UK seed test carried out under official supervision (in either case 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;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force;
- (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) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed;
- (f) CS seed of a listed variety—
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country, and

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- (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (g) CS seed—
  - (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iv) 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 Secretary of State or the Department of Agriculture and Rural Development that has not been finally determined.

#### **EC officially certified CS seed of a listed variety**

- 24.** 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.

#### **Third country officially certified CS seed of a listed variety**

**25.**—(1) In these Regulations “third country officially certified CS seed of a listed variety” means CS seed to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to CS seed of a listed variety—
- (a) that was harvested from a crop that was produced—
    - (i) in an equivalent third country, and
    - (ii) from basic seed that was produced in accordance with the provisions of paragraph 6 of Part B of Annex II to the Third Country Equivalence Decision;
  - (b) that has been officially certified as CS seed by the approved seed certification authority in that country in accordance with OECD Beet Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with the OECD Beet Seed Scheme, and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
  - (d) that has been imported into the United Kingdom and was accompanied by—
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as CS seed; and
    - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for CS seed other than those relating to varietal identity and varietal purity; or
    - (iii) in a case where the seed has been certified in the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the



authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).

- (3) This sub-paragraph applies to CS seed—
- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of sub-paragraph (2)(a) to (d).

**Overseas tested officially certified CS seed of a listed variety**

**26.**—(1) In these Regulations “overseas tested officially certified CS seed of a listed variety” means CS seed to which sub-paragraph (2), (3) or (4) applies.

- (2) This sub-paragraph applies to 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 has been 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—
    - (i) 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, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),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 IV(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).
- (3) This sub-paragraph applies to CS seed—
- (a) that was harvested from a crop produced in an equivalent third country for which a field inspection report was issued by the approved seed certification authority or a licensed third country crop inspector in that country stating that the crop had been found to satisfy the relevant Directive crop conditions for CS seed;
  - (b) that was subsequently imported into a member State other than the United Kingdom and for which a seed test report has been issued by or on behalf of the competent seed certification authority or by a licensed EC seed testing station in that member State, 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 II.A(3) official certificate relating to the crop from which the seed was harvested issued by the approved seed certification authority in the third country referred to in paragraph (a) stating that the crop had been found to satisfy the relevant crop conditions for CS seed, and

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- (ii) the seed test report referred to in paragraph (b).
- (4) This sub-paragraph applies to CS seed that—
  - (a) complies with the requirements of paragraph 25(2)(a) to (d), and
  - (b) that was 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.

#### **UK officially certified early movement CS seed of a listed variety**

**27.—**(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 Secretary of State 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 Secretary of State 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) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, 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 or by a UK seed test carried out under official supervision (in either case 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) complies with the requirements of paragraph (a)(ii) to (iv);
  - (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;
- (e) CS seed of a listed variety—
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country, and
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv);
- (f) CS seed—
  - (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iv) for which a marketing extension is in force.

### **EC officially certified early movement CS seed of a listed variety**

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

- (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**

**29.** 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) third country officially certified CS seed of a listed variety;
- (d) overseas tested officially certified CS seed of a listed variety;
- (e) UK officially certified early movement CS seed of a listed variety; and
- (f) EC officially certified early movement CS seed of a listed variety.

### **Early multiplication**

**30.—(1)** The requirement contained in paragraph 22 (that CS seed be produced directly from officially certified basic seed) shall be treated as having been complied with in relation to CS seed in a case where—

- (a) the CS seed (in this paragraph called “the harvested CS seed”) has been harvested from a crop produced from basic seed to which sub-paragraph (2) or (3) applies, and
  - (b) the variety of the harvested CS seed was not listed at the time when the 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 basic seed—
- (a) that was harvested from a crop—

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- (i) that was 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;
  - (ii) that was 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; or
  - (iii) that was produced in an equivalent third country and found by a field inspection of the crop carried out by the approved seed certification authority in that country to satisfy the Directive crop conditions for basic seed;
- (b) that—
- (i) was found by official UK seed test or UK seed testing carried out under official supervision to satisfy the conditions laid down in Part II of Schedule 4 for basic seed,
  - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority, or an authorised seed testing laboratory, in another member State to satisfy the Directive seed conditions for basic seed; or
  - (iii) was found by seed testing carried out by the approved seed certification authority or a licensed third country seed testing station in an equivalent third country 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 of a component of a hybrid variety—
- (a) that complied with the requirements of sub-paragraph (2)(a) and (b), and
  - (b) that was a component in the production of the harvested CS seed.

## **PART IV**

### **Meaning of expressions relating to imported not finally certified seed**

#### **Not finally certified pre-basic seed harvested in another member State**

**31.**—(1) In these Regulations “not finally certified pre-basic seed harvested in another member State” means pre-basic seed—

- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop produced in another member State and has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State to satisfy the Directive crop conditions for basic seed;
  - (c) that has been packed in a sealed package in accordance with the requirements of Article 11(1) of the Beet Seed Directive and is labelled with a grey label;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex IV(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to pre-basic seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or

- (c) a previously listed variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” means, in relation to the seed contained in the package on which the label is affixed, a grey coloured label containing the following particulars—
  - (a) the authority responsible for the field inspection of the crop and the member State or their commonly used initials;
  - (b) the species of the seed, indicated at least in Roman characters—
    - (i) under its botanical name, which may be given in abridged form and without the author's name; or
    - (ii) under its common name; or
    - (iii) under both;
  - (c) for sugar beet the words “sugar beet” and for fodder beet the words “fodder beet”;
  - (d) the variety of the seed, indicated at least in Roman characters;
  - (e) the category of the seed;
  - (f) the field or lot reference number of the seed;
  - (g) the declared net or gross weight of the seed; and
  - (h) the words “seed not finally certified”.

#### **Not finally certified basic seed harvested in another member State**

**32.—**(1) In these Regulations “not finally certified basic seed harvested in another member State” means basic seed—

- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop produced in another member State and has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State to satisfy the Directive crop conditions for basic seed;
  - (c) that is packed in a sealed package in accordance with the requirements of Article 11(1) of the Beet Seed Directive that is labelled with a grey label;
  - (d) that is imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex IV(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to basic seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined;
  - (c) a previously listed variety for which a marketing extension is in force;
  - (d) a component of a listed hybrid variety;
  - (e) a component of a hybrid variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (f) a component of a previously listed hybrid variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” shall have the same meaning as in paragraph 31(3).

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### **Not finally certified CS seed harvested in another member State**

**33.**—(1) In these Regulations “not finally certified CS seed harvested in another member State” means CS seed—

- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop—
    - (i) that has been produced in another member State directly from officially certified basic seed, and, in the case of a crop from which CS seed of a hybrid variety is to be harvested, includes a crop that has been produced from crossing basic seed officially certified by or on behalf of a competent seed certification authority in a member State with basic seed officially certified by an approved seed certified authority in an equivalent third country; and
    - (ii) that has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State, or, in the case of seed that has been harvested from a crop that has been produced from seed that has undergone official post-control the results of which have been satisfactory, by a field examination of the crop carried out by a licensed EC crop inspector in that member State, to satisfy the Directive crop conditions for CS seed;
  - (c) that has been packed in a sealed package in accordance with the requirements of Article 11(1) of the Beet Seed Directive that is labelled with a grey label;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex IV(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to CS seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (c) a previously listed variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” shall have the same meaning as in paragraph 31(3).

### **Not finally certified CS seed harvested in an equivalent third country**

**34.**—(1) In these Regulations “not finally certified CS seed harvested in an equivalent third country” means CS seed—

- (a) to which sub-paragraph (2) applies;
- (b) that has been harvested from a crop—
  - (i) that has been produced in an equivalent third country directly from officially certified basic seed, and, in the case of a crop from which CS seed of a hybrid variety is to be harvested, includes a crop that has been produced from crossing basic seed officially certified by or on behalf of a competent seed certification authority in a member State with basic seed officially certified by an approved seed certified authority in an equivalent third country; and
  - (ii) that has been found, by a field inspection of the crop carried out by the approved seed certification authority in the equivalent third country in which the crop was produced, or a licensed third country field inspector in that country, in accordance with the conditions specified in Part A of Annex II to the Third Country Equivalence Decision, to satisfy the Directive crop conditions for CS seed;

- (c) that has been packed in a sealed package and labelled in accordance with the requirements specified in paragraph 2 of Part A of Annex II to the Third Country Equivalence Decision;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex II.A(3) official certificate relating to the seed issued by the approved seed certification authority in the equivalent third country in which the seed was harvested.
- (2) This sub-paragraph applies to CS seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (c) a previously listed variety that is on the OECD List and for which a marketing extension is in force.

SCHEDULE 2

Regulation 4(1)

SPECIES OF SEED TO WHICH THESE REGULATIONS APPLY

1. Sugar beet
2. Fodder beet

SCHEDULE 3

Regulations 2(1), 7(8) to (10), (11), (12), (13)(b), (15)(c) and (18)(a), 9(3), (4)(c) and 9(5), 10(15)(a) and (b), 12(4)(f), 13(1)(b) and paragraphs 2(3)(a), 5(3)(a), 9(3)(a), 13(3)(a), 15(3)(a), 19(3)(a), 23(3)(a), 27(3)(a) and 30(2)(a) of Schedule 1

CONDITIONS RELATING TO CROPS FROM WHICH SEED IS TO BE HARVESTED

1. The previous cropping of the field shall not have been incompatible with the production of seeds of *Beta vulgaris* of the variety of the crop and the field shall be sufficiently free from volunteers of such plants from previous cropping.
2. The crop shall have sufficient varietal identity and varietal purity.
3. The seed from which the crop has been produced and all previous multiplications of the seed shall have been examined—
  - (a) by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;
  - (b) by or on behalf of a competent seed certification authority in another member State; or
  - (c) by an approved seed certification authority in an equivalent third country .
4. Subject to paragraphs 5 to 8, the crop shall conform to the following standards as regards distances from neighbouring sources of pollen—

<i>Crop</i>	<i>Minimum distance</i>
1	2

**Status:** Point in time view as at 31/01/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)

(1) For the production of basic seed— from 1,000 metres any pollen source of the genus *Beta*

(2) For the production of CS seed of sugar beet—

from any pollen sources of the genus *Beta* not included below 1,000 metres

the intended pollinator or one of the intended pollinators being diploid, from tetraploid sugar beet pollen sources 600 metres

the intended pollinator being exclusively tetraploid, from diploid sugar beet pollen sources 600 metres

(d) (d) from sugar beet pollen sources, the ploidy of which is unknown 600 metres

(e) (e) the intended pollinator or one of the intended pollinators being diploid, from diploid sugar beet pollen sources 300 metres

(f) (f) the intended pollinator being exclusively tetraploid, from tetraploid sugar beet pollen sources 300 metres

(g) (g) between two sugar beet seed production fields in which male sterility is not used 300 metres

(3) For the production of CS seed of fodder beet—

(a) (a) from any pollen sources of the genus *Beta* not included below 1,000 metres

(b) (b) the intended pollinator or one of the intended pollinators being diploid, from tetraploid fodder beet pollen sources 600 metres

(c) (c) the intended pollinator being exclusively tetraploid, from diploid fodder beet pollen sources 600 metres

(d) (d) from fodder beet pollen sources, the ploidy of which is unknown 600 metres

(e) (e) the intended pollinator or one of the intended pollinators being diploid, from diploid fodder beet pollen sources 300 metres

(f) (f) the intended pollinator being exclusively tetraploid, from tetraploid fodder beet pollen sources 300 metres



- (g) (g) between two fodder beet 300 metres  
seed production fields in which male  
sterility is not used
- 

5. The distances specified in paragraph 4 can be disregarded if there is sufficient protection from any undesirable foreign pollinator.

6. Paragraph 4 shall not apply in the case of seed crops using the same pollinator.

7. Subject to paragraph 8, for the purpose of paragraph 4 the ploidy of both seed-bearing and pollen shedding components of a seed-producing crop is to be established by reference to the Common Catalogue or a National List.

8. If information relating to the ploidy of the seed-bearing or pollen shedding components of a seed-producing crop is not included in the Common Catalogue or a National List, the ploidy of the components shall be regarded as unknown.

9.—(1) A crop from which basic seed is to be produced shall be examined by at least two official UK field inspections, one of stecklings and the other of the seed producing plants, to determine whether the crop meets the conditions laid down in this Schedule and in Part I of Schedule 4.

(2) A crop from which CS seed is to be produced shall be examined by means of at least one official UK field inspection or a UK field inspection carried out under official supervision to determine whether the crop meets the conditions laid down in this Schedule and in Part I of Schedule 4.

(3) The field inspections shall be carried out at a time when the cultural condition of the field and the stage of development of the crop permit identity and varietal purity to be adequately checked.

10. For the purpose of determining whether the crop from which pre-basic seed is to be produced meets the conditions laid down in this Schedule and Part I of Schedule 4, the crop from which such seed is to be produced shall be treated in the same way as a crop from which basic seed is to be produced.

#### SCHEDULE 4

Regulations 2(1), 7(8) to (12), (13)(b), (15)(c) and (18)(b), 9(3), (4)(c) and (5), 10(5), (6) to (13), (15)(a), 12(3) and 12(4)(f) to (h), 13(1)(b) and (c), paragraphs 2(3)(a), 5(3)(a), 9(3)(a), 13(3)(a), 15(3)(a), 16(2), 19(3)(a), 23(3)(a), 27(3)(a) and 30(2)(a) and (b) of Schedule 1 and paragraphs 9(1) and (2) and 10 of Schedule 3

#### CONDITIONS TO BE SATISFIED BY THE SEED

### PART I

#### Conditions to be examined mainly by field inspections

1. The seed shall have sufficient varietal identity and varietal purity.

**Status:** Point in time view as at 31/01/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)

## PART II

### Conditions to be examined by seed testing

2. The minimum analytical purity of the seed shall be 97% by weight excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.

3. The maximum moisture content of the seed shall be 15% by weight excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.

4. The percentage by weight of other seeds shall not exceed 0.3.

5. It shall be determined, by way of a germination test—

- (a) in the case of basic seed, whether the seed attains the applicable percentage of germination set out in column 2 of the table below, and
- (b) in the case of CS seed, whether the seed attains the applicable minimum percentage of germination set out in column 2 of the table below—

<i>Species and category</i>	<i>Germination standard for basic seed/ minimum germination for CS seed (% of clusters or pure seed)</i>
<b>1</b>	<b>2</b>
Sugar beet—	
(i) monogerm seed	80
(ii) precision seed	75
(iii) multigerm seed of a variety with more than 85% diploids	73
(iv) other seed	68
Fodder beet—	
(i) multigerm seed of a variety with more than 85% diploids, monogerm seed and precision seed	73
(ii) other seed	68

6. In the case of monogerm seed—

- (a) at least 90% of the germinated clusters shall give single seedlings, and
- (b) clusters giving three or more seedlings shall not exceed 5% of the germinated clusters.

7. In the case of precision seed of sugar beet—

- (a) at least 70% of the germinated clusters shall give single seedlings, and
- (b) clusters giving three or more seedlings shall not exceed 5% of the germinated clusters.

8.—(1) In the case of precision seed of fodder beet—

- (a) in the case of a variety with a percentage of diploids exceeding 85, at least 58% of the germinated clusters shall give single seedlings, and
- (b) in the case of any other variety, at least 63% of the germinated clusters shall give single seedlings.

(2) In the case of precision seed of fodder beet clusters giving three or more seedlings shall not exceed 5% of the germinated clusters.

9. Subject to paragraph 10, in the case of monogerm and precision seed, the weight of inert matter shall not exceed—

- (a) 1.0% in the base of basic seed, and
- (b) 0.5% in the case of CS seed.

10. For the purpose of determining whether the pelleted seed of basic or CS seed will satisfy the condition laid down in paragraph 9, an official sample of seed drawn from processed seed which has undergone partial decortication (rubbing or grinding) but has not yet been pelleted shall be examined.

### PART III

#### Other conditions

11. Diseases which reduce the usefulness of the seed shall be at the lowest possible level that can be achieved.

### PART IV

#### General provisions

12. For the purpose of determining whether seed meets the conditions laid down in this Schedule, pre-basic seed shall be treated in the same way as basic seed.

#### SCHEDULE 5

Regulation 12(1) and 20(1)(b)

#### RE-GRADING OF SEED

<i>Column (1)</i>	<i>Column (2)</i>
1. UK, EC or overseas tested officially certified pre-basic seed of a listed variety	UK officially certified basic seed of a listed variety
2. UK, EC, third country or overseas tested officially certified basic seed of a listed variety	UK officially certified pre-basic seed of a listed variety
3. UK or EC officially certified early movement pre-basic seed of a listed variety	UK officially certified early movement basic seed of a listed variety
4. UK or EC officially certified early movement basic seed of a listed variety	UK officially certified early movement pre-basic seed of a listed variety
5. UK, EC, third country or overseas tested CS seed of a listed variety	UK officially certified pre-basic or basic seed of a listed variety

**Status:** Point in time view as at 31/01/2007.  
**Changes to legislation:** There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)

## SCHEDULE 6

Regulation 14(1)

### CATEGORIES OF SEED THAT MAY BE MARKETED

#### **Breeder's seed**

1. Breeder's seed.

#### **Pre-basic seed of a listed variety**

2. UK officially certified pre-basic seed of a listed variety.
3. EC officially certified pre-basic seed of a listed variety.
4. Overseas tested officially certified pre-basic seed of a listed variety.

#### **Basic seed of a listed variety**

5. UK officially certified basic seed of a listed variety.
6. EC officially certified basic seed of a listed variety.
7. Third country officially certified basic seed of a listed variety.
8. Overseas tested officially certified basic seed of a listed variety.

#### **CS seed of a listed variety**

9. UK officially certified CS seed of a listed variety.
10. EC officially certified CS seed of a listed variety.
11. Third country officially certified CS seed of a listed variety.
12. Overseas tested officially certified CS seed of a listed variety.

#### **Early movement pre-basic seed of a listed variety**

13. UK officially certified early movement pre-basic seed of a listed variety.
14. EC officially certified early movement pre-basic seed of a listed variety.

#### **Early movement basic seed of a listed variety**

15. UK officially certified early movement basic seed of a listed variety.
16. EC officially certified early movement basic seed of a listed variety.

#### **Early movement CS seed of a listed variety**

17. UK officially certified early movement CS seed of a listed variety.
18. EC officially certified early movement CS seed of a listed variety.

#### **Basic seed of a component of a listed hybrid variety**

19. UK officially certified basic seed of a component of a listed hybrid variety.
20. EC officially certified basic seed of a component of a listed hybrid variety.
21. Third country officially certified basic seed of a component of a listed hybrid variety.

22. Overseas tested officially certified basic seed of a component of a listed hybrid variety.

**Early movement basic seed of a component of a listed hybrid variety**

23. UK officially certified early movement basic seed of a component of a listed hybrid variety.  
24. EC officially certified early movement basic seed of a component of a listed hybrid variety.

SCHEDULE 7

Regulations 2(1), 20(2), (3), (4) and (5)  
and 24(7)

LOT AND SAMPLE WEIGHTS

**PART I**

**Maximum weight of a seed lot**

20 metric tonnes

**PART II**

**Minimum weight of a sample**

500 grammes or 7,500 pelleted seeds

**PART III**

**Minimum weight of a sample for a moisture test**

50 grammes

SCHEDULE 8

Regulation 23(3)(b), (4), (5)(a), (6)(a), (7)  
(a) and (8)(b)

LABELLING

**PART I**

**Particulars to be marked or displayed on  
the sale of unpackaged seed (loose sales)**

1. The following particulars shall be given—  
(a) “complies with legal standards”;

*Status: Point in time view as at 31/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)*

- (b) for sugar beet the words “sugar beet” and for fodder beet the words “fodder beet”;
- (c) the variety;
- (d) for monogerm seed, the word “monogerm”; and
- (e) for precision seed, the word “precision”.

## **PART II**

### **Labelling of packages of breeder's seed**

2. A package of breeder's seed shall be labelled, not later than the time of sealing, on the outside with a supplier's label containing the following particulars—
  - (a) the name and address of the supplier responsible for affixing the labels or the supplier's registration number;
  - (b) the reference number of the lot;
  - (c) for sugar beet the words “sugar beet” and for fodder beet the words “fodder beet”;
  - (d) the variety;
  - (e) the words “breeder's seed”; and
  - (f) the declared net or gross weight or declared number of clusters or pure seed.
3. The label referred to in paragraph 2 shall be coloured buff.

## **PART III**

### **Labelling of packages of officially certified pre-basic seed**

4. A package of officially certified pre-basic seed shall be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars—
  - (a) the name of the certification authority and member State or their commonly used initials;
  - (b) the reference number of the lot;
  - (c) the month and year of sealing or the month and year of the last official sampling for the purposes of certification, expressed respectively as follows—
    - (i) by the word “Sealed” followed by the month and year of sealing, or
    - (ii) by the word “Sampled” followed by the month and year of last official sampling for the purposes of certification;
  - (d) the species, indicated at least in Roman characters—
    - (i) under its botanical name, which may be given in abridged form and without the author's name; or
    - (ii) under its common name; or
    - (iii) under both;
  - (e) for sugar beet the words “sugar beet” and for fodder beet the words “fodder beet”;
  - (f) the variety, indicated at least in Roman characters;
  - (g) the description “pre-basic seed”;
  - (h) the number of generations by which the seed precedes CS seed;

- (i) the country of production;
  - (j) the declared net or gross weight or declared number of clusters or pure seeds; and
  - (k) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight.
5. The label referred to in paragraph 4 shall be coloured white with a diagonal violet line.
6. The minimum size of the label referred to in paragraph 4 shall be 110 mm x 67 mm.
7. The label referred to in paragraph 4—
- (a) shall be—
    - (i) an adhesive label, or
    - (ii) a label secured to the package by a sealing device approved by the National Assembly, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) shall be fixed to the package by—
    - (i) an authorised officer or any person being supervised by such a person, or
    - (ii) a licensed seed sampler or any person being supervised by such a person.

## **PART IV**

### **Labelling of packages of officially certified basic and CS seed**

#### **Official label for a package of officially certified basic or CS seed**

8. A package of officially certified basic or CS seed, other than a small EC package of basic or CS seed, shall be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars—

- (a) the words “EC rules and standards”;
- (b) the name of the certifying authority and member State or their commonly used initials;
- (c) the reference number of the lot;
- (d) the month and year of sealing or the month and year of the last official sampling for the purposes of certification, expressed respectively as follows—
  - (i) by the word “Sealed” followed by the month and year of sealing, or
  - (ii) by the word “Sampled” followed by the month and year of last official sampling for the purposes of certification;
- (e) the species, indicated at least in Roman characters—
  - (i) under its botanical name, which may be given in abridged form and without the author's name; or
  - (ii) under its common name; or
  - (iii) under both;
- (f) for sugar beet the words “sugar beet” and for fodder beet the words “fodder beet”;
- (g) the variety, indicated at least in Roman characters;
- (h) the category;
- (i) the country of production;

**Status:** Point in time view as at 31/01/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)

- (j) the declared net or gross weight or declared number of clusters or pure seed;
- (k) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds and the total weight;
- (l) for monogerm seed, the word “monogerm”; and
- (m) for precision seed, the word “precision”.

**9.** Where at least germination of the seed referred to in paragraph 8 has been retested, the words “retested” followed by the month and year of retesting and the authority responsible for such retesting may be indicated on the official label referred to in paragraph 8 or on an official sticker attached to the official label.

**10.** The minimum size of the label referred to in paragraph 8 shall be 110 mm x 67 mm.

**11.** The label referred to in paragraph 8 shall be coloured—

- (a) white for basic seed, and
- (b) blue for CS seed.

**12.** The label referred to in paragraph 8—

- (a) shall be—
  - (i) an adhesive label, or
  - (ii) a label secured to the package by a sealing device approved by the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) shall be fixed to the package by—
  - (i) an authorised officer or any person being supervised by such a person, or
  - (ii) a licensed seed sampler or any person being supervised by such a person.

**Supplier's label for a small EC package of basic or CS seed**

**13.** A small EC package of basic or CS seed shall be labelled—

- (a) not later than the time of sealing;
- (b) subject to paragraph 14, on the outside; and
- (c) with a label, a printed notice or stamp containing the following information—
  - (i) “small EC package”;
  - (ii) the name and address of the supplier responsible for marking or the supplier's identification mark;
  - (iii) the officially assigned serial number;
  - (iv) the service which assigned the serial number and the name of the member State or their commonly used initials;
  - (v) the reference number of the lot;
  - (vi) the species, indicated at least in Roman characters;
  - (vii) for sugar beet the words “sugar beet” and for fodder beet the words “fodder beet”;
  - (viii) the variety, indicated at least in Roman characters;
  - (ix) the category;
  - (x) the net or gross weight or number of clusters or pure seeds;



- (xi) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds and the total weight;
- (xii) for monogerm seed, the word “monogerm”; and
- (xiii) for precision seed, the word “precision”.

14. If the packaging material is transparent the label, notice or stamp referred to in paragraph 13 may be placed inside the package provided it can be read through the packaging.

15. The label, notice or stamp referred to in paragraph 13 shall be coloured—

- (a) white for basic seed, and
- (b) blue for CS seed.

## [<sup>F15</sup>PART V

### Labelling of Packages of Test and Trial Seed

**F15** Sch. 8 Pt. 5 inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, 2(8)

#### **Official label for a package of test and trial seed**

16. The package must be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars—

- (a) the name of the certifying authority and member State or their distinguishing abbreviations;
- (b) the reference number of the lot;
- (c) the month and year of sealing;
- (d) the species;
- (e) the denomination of the variety under which the seed is to be marketed (which may be the breeder’s reference, the proposed denomination or the approved denomination) and the official application number for listing the variety, if any;
- (f) the statements “variety not yet officially listed” and “for tests and trials only”;
- (g) the declared net or gross weight or declared number of pure seeds or, where applicable, clusters; and
- (h) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds or, where applicable, clusters and the total weight.

17. The label referred to in paragraph 16 must be coloured orange.

18. The label referred to in paragraph 16 must be—

- (a) adhesive; and
- (b) affixed to the package by—
  - (i) an authorised officer or any person being supervised by such a person; or
  - (ii) a licensed seed sampler or any person being supervised by such a person.]

**Status:** Point in time view as at 31/01/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)

## SCHEDULE 9

Regulation 24(2)

## LIMITS OF VARIATION

## FOR GERMINATION OR FOR CLUSTERS WITH A SINGLE SEEDLING

<i>Stated minimum percentage of germination or clusters with a single seedling (expressed as an integer)</i>	<i>Limit of variation Per cent</i>
99—100	2
97—98	3
94—96	4
91—93	5
87—90	6
82—86	7
76—81	8
69—75	9
60—68	10
50—59	11

## ANALYTICAL PURITY

<i>Stated minimum percentage of analytical purity (expressed to one decimal point)</i>	<i>Limit of variation Per cent</i>
99.9— 100	0.2
99.8	0.3
99.6—99.7	0.4
99.3—99.5	0.5
99.0—99.2	0.6
98.5—98.9	0.7
98.3—98.4	0.8
97.5—98.2	0.9
97.0—97.4	1.0
96.5—96.9	1.1
95.5—96.4	1.2
95.0—95.4	1.3

## CONTENT OF SEEDS OF OTHER SPECIES

<i>Stated maximum percentage of seeds of other species (expressed to one decimal point)</i>	<i>Limit of variation Per cent</i>
0.0	0.1
0.1—0.2	0.3
0.3—0.4	0.4
0.5	0.5

## CLUSTERS WITH THREE OR MORE SEEDLINGS

<i>Stated maximum percentage of clusters with three or more seedlings (expressed as a an integer)</i>	<i>Limit of variation Per cent</i>
0—2	2
3—4	3
5—6	4
7—9	5
10	6

## SCHEDULE 10

Regulation 28

## INDEX OF WORDS AND EXPRESSIONS USED IN THESE REGULATIONS

The expressions listed in the left-hand column of the following table are defined in the corresponding provisions listed in the right-hand column of the table—

<i>Expression</i>	<i>Provision of these Regulations in which the expression is defined</i>
[ <sup>F16</sup> the 2004 Commission Decision	Regulation 2(1)]
The Act	Regulation 2(1)
Annex II.A(3) official certificate	Regulation 2(1)
Annex IV(C) document	Regulation 2(1)
Another member State	Regulation 2(1)
Appropriate time	Regulation 5(4)
approved seed certification authority	Regulation 2(1)
authorised officer	Regulation 2(1)
basic seed	Paragraph 8 of Schedule 1
the Beet Seed Directive	Regulation 2(1)

**Status:** Point in time view as at 31/01/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)

blended seed lot	Regulation 2(1)
breeder	Regulation 2(1)
breeder's seed	Regulation 2(1)
Common Catalogue	Regulation 2(1)
Common Catalogue Directive	Regulation 2(1)
component	Regulation 2(1)
control plot	Regulation 2(1)
CS seed	Paragraph 22 of Schedule 1
Deliberate Release Directive	Regulation 2(1)
Department of Agriculture and Rural Development	Regulation 2(1)
Directive crop conditions	Regulation 2(1)
Directive seed conditions	Regulation 2(1)
EEA State	Regulation 2(1)
EC minimum percentage of germination	Regulation 2(1)
EC officially certified basic seed of a component of a listed hybrid variety	Paragraph 16 of Schedule 1
EC officially certified basic seed of a listed variety variety	Paragraph 10 of Schedule 1
EC officially certified CS seed of a listed variety	Paragraph 24 of Schedule 1
EC officially certified early movement basic seed of a component of a listed hybrid variety	Paragraph 20 of Schedule 1
EC officially certified early movement basic seed of a l listed variety	Paragraph 14 of Schedule 1
EC officially certified early movement CS seed of a listed variety	Paragraph 28 of Schedule 1
EC officially certified early movement pre-basic seed of a listed variety	Paragraph 6 of Schedule 1
EC officially certified pre-basic seed of a listed variety	Paragraph 3 of Schedule 1
entered seed lot	Regulation 2(1)
equivalent third country	Regulation 2(1)
final seed test report	Regulation 11(6)
fodder beet	Regulation 2(1)
Food and Feed Regulation	Regulation 2(1)
genetically modified	Regulation 2(1)
germination condition	Regulation 2(1)

grey label	Paragraph 31(3) of Schedule 1
homogeneous seed lot	Regulation 2(1)
ISTA	Regulation 2(1)
late entered seed lot	Regulation 2(1)
licensed crop inspector	Regulation 2(1)
licensed EC crop inspector	Regulation 2(1)
licensed EC seed testing station	Regulation 2(1)
licensed seed sampler	Regulation 2(1)
licensed seed testing station	Regulation 2(1)
licensed third country crop inspector	Regulation 2(1)
licensed third country seed testing station	Regulation 2(1)
listed variety	Regulation 2(1)
listing	Regulation 2(1)
maintainer	Regulation 2(1)
marketing	Regulation 3
marketing extension	Regulation 2(1)
member State	Regulation 2(1)
monogerm seed	Regulation 2(1)
a National List	Regulation 2(1)
not finally certified basic seed harvested in another member State	Paragraph 32 of Schedule 1
not finally certified CS seed harvested in an equivalent third country	Paragraph 34 of Schedule 1
not finally certified CS seed harvested in another member State	Paragraph 33 of Schedule 1
not finally certified pre-basic seed harvested in another member State	Paragraph 31 of Schedule 1
OECD	Regulation 2(1)
OECD Beet Seed Scheme	Regulation 2(1)
OECD Certificate	Regulation 2(1)
OECD Decision	Regulation 2(1)
OECD List	Regulation 2(1)
official label	Regulation 2(1)
officially certified basic seed	Paragraph 21 of Schedule 1
officially certified CS seed	Paragraph 29 of Schedule 1
officially certified pre-basic seed	Paragraph 7 of Schedule 1

**Status:** Point in time view as at 31/01/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)

official measures	Regulation 2(1)
official sample	Regulation 2(1)
official UK field inspection	Regulation 2(1)
official UK seed test	Regulation 2(1)
overseas tested officially certified basic seed of a listed variety	Paragraph 12 of Schedule 1
overseas tested officially certified basic seed of a component of a listed hybrid variety	Paragraph 18 of Schedule 1
overseas tested officially certified CS seed of a listed variety	Paragraph 26 of Schedule 1
overseas tested officially certified pre-basic seed of a listed variety	Paragraph 4 of Schedule 1
pre-basic seed	Paragraph 1 of Schedule 1
precision seed	Regulation 2(1)
previously listed variety	Regulation 2(1)
qualifying seed lot	Regulation 10(15)
qualifying seed test report	Regulation 5(4)
registered person	Regulation 2(1)
regulation 17 authorisation	Regulation 2(1)
regulation 18 authorisation	Regulation 2(1)
Schedule 4 germination test	Regulation 2(1)
Secretary of State	Regulation 2(1)
seed industry activity	Regulation 2(1)
seed lot	Regulation 2(1)
seed that has been subject to satisfactory official post control	Regulation 2(1)
seed that is subject to official post-control	Regulation 7(18)
small EC package	Regulation 2(1)
sugar beet	Regulation 2(1)
[ <sup>F17</sup> test and trial seed	Regulation 2(1)]
third country	Regulation 2(1)
the Third Country Equivalence Decision	Regulation 2(1)
third country officially certified basic seed of a component of a listed hybrid variety	Paragraph 17 of Schedule 1
third country officially certified basic seed of a listed variety	Paragraph 11 of Schedule 1
third country officially certified CS seed of a listed variety	Paragraph 25 of Schedule 1

UK field inspection carried out under official supervision	Regulation 2(1)
UK officially certified basic seed of a component of a listed hybrid variety	Paragraph 15 of Schedule 1
UK officially certified basic seed of a listed variety	Paragraph 9 of Schedule 1
UK officially certified CS seed of a listed variety	Paragraph 23 of Schedule 1
UK officially certified early movement basic seed of a component of a listed hybrid variety	Paragraph 19 of Schedule 1
UK officially certified early movement basic seed of a listed variety	Paragraph 13 of Schedule 1
UK officially certified early movement CS seed of a listed variety	Paragraph 27 of Schedule 1
UK officially certified early movement pre-basic seed of a listed variety	Paragraph 5 of Schedule 1
UK officially certified pre-basic seed of a listed variety	Paragraph 2 of Schedule 1
UK seed test carried out under official supervision	Regulation 2(1)
unlisted variety	Regulation 2(1)
whenever carried out	Regulation 2(1)
writing	Regulation 2(3)

**F16** Words in Sch. 10 inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **2(9)(a)**

**F17** Words in Sch. 10 inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **2(9)(b)**

**F16** Words in Sch. 10 inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **2(9)(a)**

**F17** Words in Sch. 10 inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **2(9)(b)**

## EXPLANATORY NOTE

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

**Status:** Point in time view as at 31/01/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked). (See end of Document for details)

These Regulations apply in Wales and come into force on 18 November 2005. They revoke and replace, with modifications, the Beet Seeds Regulation 1993 (S.I. 1993/2006) insofar as they apply to Wales. They also revoke the Beet Seeds (Amendment) Regulations 1999 (S.I. 1999/1861) insofar as they apply to Wales which amended the 1993 Regulations.

The 1993 Regulations implemented the provisions of Council Directive [66/400/EEC](#) on the marketing of beet seed (O.J. No. L125, 11.7.66, p.2290). That Directive, as amended, was replaced by Council Directive [2002/54/EC](#) on the marketing of beet seed. These Regulations implement the provisions of that Directive.

The Regulations apply to the certification and marketing of beet seed of the species specified in Schedule 2 to these Regulations (regulation 4).

The Regulations include provisions that lay down the procedures relating to the certification of beet seed in Wales (Part II), including provisions relating to the entry of seed lots (regulation 5), the entry of crops (regulation 6), the field inspection of crops (regulation 7), the lodging of field inspection reports and similar documents (regulation 8), the re-grading of crops (regulation 9), seed testing (regulation 10), the lodging of seed test reports (regulation 11), the re-grading of seed (regulation 12) and the withdrawal of official certification (regulation 13).

The Regulations include provisions that prohibit the marketing of beet seed in Wales except for seed that falls into one of the categories listed in Schedule 6 (regulation 14). These categories are defined in Schedule 1. The prohibition does not apply in the case of seed of a category that is not listed in Schedule 6 where an authorisation has been granted for scientific purposes or selection work (regulation 17) or for the purpose of tests and trials (regulation 18) or is authorised by a general licence made under regulation 19.

The Regulations lay down requirements relating to the sampling (regulation 20) and packaging (regulation 21) of seed and the sealing (regulation 22) and labelling of packages (regulation 23) of seed.

The Regulations enable the National Assembly to make arrangements for any person to act under its responsibility in carrying out official measures (regulation 25) and include provisions relating to the charging of fees (regulation 26).

The contravention of these Regulations is a criminal offence (section 16(7) of the Plant Varieties and Seeds Act 1964).

A Regulatory Appraisal has been prepared for these Regulations. Copies can be obtained from the Department for Environment, Planning and Countryside, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.



**Status:**

Point in time view as at 31/01/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the The Beet Seed (Wales) Regulations 2005 (revoked).