

2017 No. 384

SEEDS

The Seed (Miscellaneous Amendments) (Scotland) Regulations 2017

<i>Made</i>	- - - -	<i>7th November 2017</i>
<i>Laid before the Scottish Parliament</i>		<i>9th November 2017</i>
<i>Coming into force</i>	- -	<i>1st January 2018</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964(a) and all other powers enabling them to do so.

In accordance with section 16(1) of that Act, they have consulted with representatives of such interests as appear to them to be concerned.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seed (Miscellaneous Amendments) (Scotland) Regulations 2017 and come into force on 1st January 2018.

(2) These Regulations extend to Scotland only.

Amendment of the Fodder Plant Seed (Scotland) Regulations 2005

2.—(1) The Fodder Plant Seed (Scotland) Regulations 2005(b) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation), for the definition of “the Fodder Plant Seed Directive” substitute—

““the Fodder Plant Seed Directive” means Council Directive 66/401/EEC on the marketing of fodder plant seed(c);”.

(3) In schedule 1 (species of seed to which the regulations apply), in the entry in column 2 of the table (Latin name), corresponding to the entry for “Hybrid ryegrass” in column 1 (common name), for “*Lolium x boucheanum* Kunth” substitute “*Lolium x hybridum* Hausskn”.

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- (a) 1964 c.14. (“the 1964 Act”). Section 16 was amended by the European Communities Act 1972 (c.68) (“the 1972 Act”), section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); by the Agriculture Act 1986 (c.49), section 2; and by S.I. 1977/1112. Section 16(1A) was inserted by the 1972 Act, section 4(1) and schedule 4, paragraph 5(1) and (2). The powers conferred by section 16 are exercisable by “the Minister”. See section 38(1) of the 1964 Act for definition of “the Minister”. The functions of the Secretary of State, insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (b) S.S.I. 2005/329, as amended by S.S.I. 2006/313, S.S.I. 2006/448, S.S.I. 2007/224, S.S.I. 2007/536, S.S.I. 2009/223, S.S.I. 2009/330, S.S.I. 2010/219, S.S.I. 2012/5, S.S.I. 2013/326, S.S.I. 2016/68 and S.S.I. 2016/434.
- (c) OJ 125, 11.7.1966, p.2298, as last amended by Commission Implementing Directive (EU) 2016/2109 (OJ L 327, 2.12.2016, p.59).

Amendment of the Seed (Fees etc.) (Scotland) Regulations 2017

3.—(1) The Seed (Fees etc.) (Scotland) Regulations 2017^(a) are amended in accordance with paragraph (2).

(2) In schedule 2 (fees for matters relating to the 2016 regulations), for paragraph B(ii) of the table (licensed seed testing stations), substitute—

“(ii)	Fee payable by a licensed seed testing station in respect of an official examination of seed	Within one month of demand by or on behalf of the Scottish Ministers, annually in arrears	7.63”
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St Andrew’s House,
Edinburgh
7th November 2017

FERGUS EWING
A member of the Scottish Government

^(a) S.S.I. 2017/179.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the following Regulations—

- the Fodder Plant Seed (Scotland) Regulations 2005 (the “Fodder Plant Seed Regulations”); and
- the Seed (Fees etc.) (Scotland) Regulations 2017 (the “Fees Regulations 2017”).

They transpose, in part, Commission Implementing Directive (EU) 2016/2109 amending Council Directive 66/401/EEC as regards the inclusion of new species and the botanical name of the species *Lolium x boucheanum* Kunth (OJ L 327, 2.12.2016, p.59). Article 1(1)(a) and (2) are transposed by regulation 2(3), which amends schedule 1 (species of seed to which the regulations apply) of the Fodder Plant Seed Regulations to update the botanical name for hybrid ryegrass from *Lolium x boucheanum* Kunth to *Lolium x hybridum* Hausskn. Commission Implementing Decision (EU) 2017/478 (OJ L 73, 18.3.2017, p.29) releases the United Kingdom from the obligation to transpose article 1(1)(b), (c) and (3) into domestic law.

Regulation 3(2) amends schedule 2 of the Fees Regulations 2017. The Seed (Fees) (Scotland) Regulations 2016 had prescribed a fee of £7.63, payable by a licensed seed testing station in respect of an official examination of seed. The Fees Regulations 2017 revoked and replaced those Regulations and reduced the applicable fee to £7.50. Regulation 3(2) amends this, reinstating the fee at £7.63.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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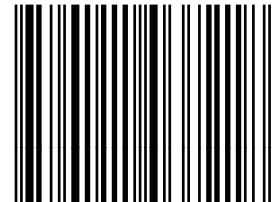
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