

# Statutory Instrument 2002 No. 3173

## The Cereal Seed (England) Regulations 2002

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#### 2002 No. 3173

#### SEEDS, ENGLAND

#### The Cereal Seed (England) Regulations 2002

<i>Made</i>	<i>18th December 2002</i>
<i>Laid before Parliament</i>	<i>20th December 2002</i>
<i>Coming into force</i>	<i>31st January 2003</i>

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

PART I

## *General*

### **Title, extent and commencement**

1. These Regulations may be cited as the Cereal Seed (England) Regulations 2002, shall extend to England and shall come into force on 31st January 2003.

### **General interpretation**

2. - (1) In these Regulations -

"the Act" means the Plant Varieties and Seeds Act 1964;

"Annex V(C) document" means an official document of the type specified in the second indented sub-paragraph of Article 15(2) of the Cereal Seed Directive containing the particulars specified in paragraph C of Annex V 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 Part I of the Annex to the Third Country Equivalence Decision;

"approved species" means -

(a) subject to paragraphs (b) and (c), any of the species referred to in Schedule 2;

(b) any of the species referred to in Schedule 2 except maize in the case of seed officially certified by an approved seed certification authority in Australia or Poland; and

(c) maize in the case of seed officially certified by an approved seed certification authority in Slovenia and South Africa;

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

"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 his 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;

"the Cereal Seed Directive" means Council Directive 66/402/EEC[2] on the marketing of cereal seed as last amended by Council Directive 2001/64/EC[3];

"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[4] on the common catalogue of varieties of

agricultural plant species;

"component" means -

(a) in the case of pre-basic seed, a component that is used in the production of a listed hybrid variety, and

(b) in the case of basic seed, 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 in accordance with regulation 6(2) or another official sample of the seed);

"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 Annex I to the Cereal Seed Directive;

"Directive seed conditions" means the conditions laid down in Annex II to the Cereal Seed Directive;

"the EC minimum percentage of germination" means the appropriate percentage of germination specified in column 2 of the table in paragraph 13 of Schedule 4;

"EEA State" means a State that is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>[5]</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>[6]</sup>;

"entered seed lot" means a seed lot in respect of which an application has been made under regulation 6 in accordance with regulation 6(2)(a), (b)(i) and (c);

"ergot" means *Claviceps purpurea*;

"equivalent third country" means a country specified in column 1 of the table set out in Part I of the Annex to the Third Country Equivalence Decision;

"genetically modified" has the same meaning as for the purposes of Council Directive 2001/18/EC<sup>[7]</sup> on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC;

"germination condition" means the condition in paragraph 13 of Schedule 4;

"Higher Voluntary Standards" means the standards specified in Schedules 3 and 4 as being HVS standards and the abbreviation "HVS" shall be construed accordingly;

"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;

"HVS level basic seed" means officially certified basic seed that has been verified by the Secretary of State as -

(a) having been harvested from a crop that met the higher voluntary standards for a crop to produce basic seed specified in Schedule 3, and

(b) having met the higher voluntary standards for basic seed laid down in Schedule 4;

"HVS level C1 seed" means officially certified C1 seed that has been verified by the Secretary of State as -

(a) having been harvested from a crop that met the higher voluntary standards for a crop to produce C1 seed specified in Schedule 3, and

(b) having met the higher voluntary standards for C1 seed laid down in Schedule 4;

"HVS level C2 seed" means officially certified C2 seed that has been verified by the Secretary of State as -

(a) having been harvested from a crop that met the higher voluntary standards for C2 seed specified in Schedule 3, and

(b) having met the higher voluntary standards for C2 seed laid down in Schedule 4;

"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 6(1) in accordance

with regulation 6(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)(England) Regulations 2002<sup>[8]</sup> or by the Scottish Ministers, the National Assembly for Wales 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)(i)(c) of the Cereal 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 3 of Commission Decision 98/320/EC<sup>[9]</sup> on the organisation of a temporary experiment on seed sampling and seed testing pursuant to Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC as last amended by Commission Decision 2002/280/EC<sup>[10]</sup>, to carry out seed testing in that member State;

"licensed seed sampler" means a person who has been granted a licence under regulation 18 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002 or by the Scottish Ministers, the National Assembly for Wales 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)(England) Regulations 2002 or by the Scottish Ministers, the National Assembly for Wales 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 -

(a) in the case of seed other than maize, Rule 6(2)(3) of, and Appendix 8 to, the OECD Cereal Seed Scheme, and

(b) in the case of maize, Rule 6(2)(3) of, and Appendix 8 to, the OECD Maize and Sorghum 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 the provisions of the second paragraph of Article 2(4) of, and Annex V to, the OECD Decision, 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;

"loose smut infection" means infection with harmful organisms of the family Ustilagineae;

"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 Secretary of State, the Scottish Ministers, the National Assembly for Wales, the Department of 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 an EEA State;

"minimum level basic seed" means officially certified basic seed that has not been verified by the Secretary of State as -

(a) having been harvested from a crop that met the higher voluntary standards for a crop to produce basic seed specified in Schedule 3, and

(b) having met the higher voluntary standards for basic seed laid down in Schedule 4;

"minimum level C1 seed" means officially certified C1 seed that has not been verified by the Secretary of State as -

(a) having been harvested from a crop that met the higher voluntary standards for a crop to produce C1 seed specified in Schedule 3, and

(b) having met the higher voluntary standards for C1 seed laid down in Schedule 4;

"minimum level C2 seed" means officially certified C2 seed that has not been verified by the Secretary of State as -

- (a) having been harvested from a crop that met the higher voluntary standards for C2 seed specified in Schedule 3, and
- (b) having met the higher voluntary standards for C2 seed laid down in Schedule 4;

"a National List" means a list of varieties of cereal species for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 2001<sup>[11]</sup>;

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

"OECD Cereal Seed Scheme" means the OECD Scheme for the varietal certification of cereal seed moving in international trade in Annex VIII to the OECD Decision;

"OECD Certificate" means a certificate issued by an approved seed certification authority in an equivalent third country under, in the case of seed other than maize, the OECD Cereal Seed Scheme, and, in the case of maize, the OECD Maize and Sorghum 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>[12]</sup>;

"OECD List" means the OECD List of Varieties Eligible for Certification;

"OECD Maize and Sorghum Seed Scheme" means the OECD Scheme for the varietal certification of maize and sorghum seed moving in international trade in Annex XI to the OECD Decision;

"official label" means a label issued or authorised by or on behalf of the Secretary of State, the Scottish Ministers, the National Assembly for Wales 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 6, 8, 9, 10, 11, 12, 13, 16, 19, and 20, 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 7,

and such other activities as may be necessary for those purposes;

"official sample" means a sample of seed taken from a seed lot in accordance with regulation 23 and "official sampling" shall be construed accordingly;

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

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

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

"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) (England) Regulations 2002 as a person who may engage in a relevant seed industry activity;

"regulation 19 authorisation" means an authorisation granted in accordance with regulation 19;

"regulation 20 authorisation" means an authorisation granted in accordance with regulation 20;

"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 13 of Schedule 4 for the appropriate category of seed;

"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)(England) Regulations 2002;

"seed lot" means an identifiable consignment of seeds of a weight that does not exceed the weight specified in column 3 of the table in Schedule 7 for the species specified in column 1 of that table 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 taken from a seed lot for which a control plot has been sown by or on behalf of the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and which has produced plants which have been examined by or on behalf of the Secretary of State, the Scottish Ministers, the National Assembly for Wales 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 4 to 10, 11(4) to (7), 12(4) to (6), 14 and 16 of Schedule 3, and
  - (ii) paragraphs 1 to 5, 7, 10, 17, 18 and 20 of Schedule 4, and

- (b) the category and, where appropriate, level of the seed to be produced,

to be satisfactory seed from which to produce that category and, where applicable, level of seed;

"small package" means -

- (a) a package of officially certified seed of any category and, where applicable, level, or
- (b) a package of a mixture of seeds to which regulation 22 applies,

not exceeding 15 kilograms in weight;

"third country" means a country other than a member State;

"the Third Country Equivalence Decision" means Council Decision 95/514/EC[13] 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 Commission Decision 2002/276/EC[14];

"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) In these Regulations, in relation to varieties, hybrids and inbred lines of maize -

"open pollinated variety" means a sufficiently uniform and stable variety;

"inbred line" means a sufficiently uniform and stable line, obtained either by artificial self-fertilisation accompanied by selection over several successive generations or by equivalent operations;

"simple hybrid" means the first generation of a cross, defined by the breeder, between two inbred lines;

"double hybrid" means the first generation of a cross, defined by the breeder, between two simple hybrids;

"triple-cross hybrid" means the first generation of a cross, defined by the breeder, between an inbred line and a simple hybrid;

"top cross hybrid" means the first generation of a cross, defined by the breeder, between an inbred line or a simple hybrid and an open-pollinated variety; and

"intervarietal hybrid" means the first generation of a cross, defined by the breeder, between plants grown from basic seed of two open-pollinated varieties.

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

(4)

"Writing" in paragraph (3) shall include an electronic communication within the meaning of the Electronic Communications Act 2000[15] provided that -

(a) any document of the type referred to in paragraph (3) shall only be sent to the Secretary of State by an electronic communication if the Secretary of State has represented that electronic communication is a means by which persons can send such a document to her, and

(b) notifications required to be made by the Secretary of State to any person shall only be made by an electronic communication if the intended recipient has himself used the same form of electronic communication in communicating with the Secretary of State for the purpose of these Regulations or has otherwise represented that that form of electronic communication is a means by which the Secretary of State can communicate with him.

(5) 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 Cereal Seed Directive have the same meaning in these Regulations as they have in that Directive.

(6) Schedule 1, which contains definitions of pre-basic seed and similar expressions, basic seed and similar expressions, CS, C1 and C2 seed and similar expressions and expressions relating to imported not finally certified seed, shall apply to the interpretation of these Regulations.

### **Definitions relating to plant species**

**3.** In these Regulations -

"barley" means plants of the species *Hordeum vulgare* L.;

"durum wheat" means plants of the species *Triticum durum* Desf.;

"maize" means plants of the species *Zea mays* L. (partim) except for *Zea mays* convar. *microsperma* Koern. (commonly known as popcorn) and *Zea mays* convar. *saccharata* Koern (commonly known as sweetcorn);

"oats" means plants of the species *Avena sativa* L.;

"rye" means plants of the species *Secale cereale* L.;

"spelt wheat" means plants of the species *Triticum spelta* L.;

"triticale" means plants of the species *x Triticosecale* Wittm.;



"wheat" means plants of the species *Triticum aestivum* L. emend. Fiori et Paol.; and

"wild oats" means plants of the species *Avena fatua*, *Avena sterilis* and *Avena ludoviciana*.

#### **Definition of marketing**

4. - (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**

5. - (1) Subject to paragraph (2), these Regulations apply to cereal seed of the species specified in Schedule 2 that are intended to be used for agricultural or horticultural production other than production for ornamental purposes.

(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**

6. - (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, CS, C1 or C2 seed is to be harvested may be made to the Secretary of State by a registered person.

(2) An application made under this regulation -

(a) shall be made in such form and manner as the Secretary of State may require;

(b) shall be made -

(i) at such time as the Secretary of State may require, or

(ii) in the case of an application to enter a seed lot made after that time, at such time as the Secretary of State may otherwise allow; and

(c) shall be accompanied -

(i) unless otherwise agreed by the Secretary of State, by an official sample of seed taken 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 Secretary of State 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 Secretary of State -

(a) 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), and

(b) in the case of an application to enter a seed lot from which it is intended to produce a crop from which CS seed of a hybrid variety of rye is to be harvested, shall sow a control plot with seed taken from an official sample of seed taken from the seed lot unless a control plot has already been sown with seed from an official sample of 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 11(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 11(6)(b), a seed test report issued in accordance with regulation 11(12)(b).

### **Entry of crop**

7. - (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, CS, C1 or C2 seed is to be harvested shall notify the Secretary of State that he has sown the seed.

(2) A notification given under this regulation -

(a) shall be given in such form and manner as the Secretary of State may require;

(b) shall be given within such time as the Secretary of State may require;

(c) shall specify the reference number of the seed lot from which the sown seed has been taken; and

(d) shall be accompanied by such information and other documents as the Secretary of State may require.

(3) Subject to paragraph (4), the Secretary of State 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 Secretary of State shall not individually acknowledge the receipt of each notification given under this regulation that she receives but shall periodically provide the applicant with a list of those crops for which she has received such a notification from him.

(5) Where the Secretary of State has previously provided the applicant with a list of those crops for which she has received a notification under this regulation from him, any subsequent list periodically provided to the applicant under paragraph (4) shall list only those crops in respect of which the Secretary of State has received a notification under this regulation from him since last providing the applicant with the last such list.

### **Field inspection of crops**

8. - (1) Subject to paragraph (2), an application may be made to the Secretary of State by a registered person for the field inspection of -

(a) a crop being produced in England from an entered or late entered seed lot from which it is intended that pre-basic seed of maize or rye (including a component used in the production of a listed hybrid variety in each case), triticale or a component used in the production of a listed hybrid variety of barley, durum wheat, oats, self-pollinating triticale, spelt wheat or wheat is to be harvested ("a regulation 8(1)(a) crop");

(b) a crop being produced in England from an entered or late entered seed lot from which it is intended that pre-basic seed of barley, durum wheat, oats, spelt wheat or wheat, other than a component used in the production of a listed hybrid variety, is to be harvested ("a regulation 8(1)(b) crop");

(c) a crop being produced in England from an entered or late entered seed lot from which it is intended that basic seed of maize or rye (including a component of a hybrid variety in each case), triticale or a component of a hybrid variety of barley, durum wheat, oats, self-pollinating triticale, spelt wheat or wheat is to be harvested ("a regulation 8(1)(c) crop");

(d) a crop being produced in England from an entered or late entered seed lot from which it is intended that HVS level basic seed of barley, durum wheat, oats, spelt wheat or wheat, other than a component of a hybrid variety, is to be harvested ("a regulation

8(1)(d) crop");

(e) a crop being produced in England from an entered or late entered seed lot from which it is intended that minimum level basic seed of barley, durum wheat, oats, spelt wheat or wheat, other than a component of a hybrid variety, is to be harvested ("a regulation 8(1)(e) crop");

(f) a crop being produced in England from a late entered seed lot from which it is intended that CS seed of -

- (i) maize (including a hybrid of maize);
- (ii) rye, except for a hybrid of rye; or
- (iii) a hybrid of barley, durum wheat, oats, a self-pollinating variety of triticale, spelt wheat or wheat;

is to be harvested ("a regulation 8(1)(f) crop");

(g) a crop being produced in England from a late entered seed lot from which it is intended that HVS level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested ("a regulation 8(1)(g) crop");

(h) a crop being produced in England from a late entered seed lot from which it is intended that minimum level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested ("a regulation 8(1)(h) crop");

(i) a crop being produced in England from a late entered seed lot from which it is intended that C1 seed of triticale is to be harvested ("a regulation 8(1)(i) crop");

(j) a crop being produced in England from a late entered seed lot from which it is intended that HVS level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested ("a regulation 8(1)(j) crop");

(k) a crop being produced in England from a late entered seed lot from which it is intended that minimum level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested ("a regulation 8(1)(k) crop");

(l) a crop being produced in England from a late entered seed lot from which it is intended that C2 seed of triticale is to be produced ("a regulation 8(1)(l) crop");

(m) a crop being produced in England from an entered seed lot from which it is intended that CS seed of -

- (i) maize or rye (including a hybrid of maize or rye), or
- (ii) a hybrid of barley, durum wheat, oats, a self-pollinating variety of triticale, spelt wheat or wheat,

is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made ("a regulation 8(1)(m) crop");

(n) a crop being produced in England from an entered seed lot from which it is intended that HVS level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made ("a regulation 8(1)(n) crop");

(o) a crop being produced in England from an entered seed lot from which it is intended that minimum level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made ("a regulation 8(1)(o) crop");

(p) a crop being produced in England from an entered seed lot from which it is intended that C1 seed of triticale is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made ("a regulation 8(1)(p) crop");

(q) a crop being produced in England from an entered seed lot from which it is intended that HVS level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made ("a regulation 8(1)(q) crop");

(r) a crop being produced in England from an entered seed lot from which it is intended that minimum level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made ("a regulation 8(1)(r) crop"); or

(s) a crop being produced in England from an entered seed lot from which it is intended that C2 seed of triticale is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made ("a regulation 8(1)(s) crop");

crop").

(2) An application made under paragraph (1) shall not be made in respect of a regulation 8(1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) 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 may be made to a licensed crop inspector by a registered person for the field inspection of -

- (a) a crop being produced in England from an entered seed lot from which it is intended that CS seed of -
  - (i) maize or rye (including a hybrid of maize or rye), or
  - (ii) a hybrid of barley, durum wheat, oats, self-pollinating triticale, spelt wheat or wheat,

is to be harvested ("a regulation 8(3)(a) crop");

(b) a crop being produced in England from an entered seed lot from which it is intended that HVS level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested ("a regulation 8(3)(b) crop");

(c) a crop being produced in England from an entered seed lot from which it is intended that minimum level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested ("a regulation 8(3)(c) crop");

(d) a crop being produced in England from an entered seed lot from which it is intended that C1 seed of triticale is to be harvested ("a regulation 8(3)(d) crop");

(e) a crop being produced in England from an entered seed lot from which it is intended that HVS level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested ("a regulation 8(3)(e) crop");

(f) a crop being produced in England from an entered seed lot from which it is intended that minimum level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested ("a regulation 8(3)(f) crop"); or

(g) a crop being produced in England from an entered seed lot from which it is intended that C2 seed of triticale is to be harvested ("a regulation 8(3)(g) crop").

(4) An application made under paragraph (3) shall not be made -

- (a) in respect of a crop to produce seed of a variety or a 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 seed of the category and, where applicable, level to which the application relates is awaited.

(5) If required by the Secretary of State, an application made under paragraph (3) shall be considered by her instead of by a licensed crop inspector.

(6) If permitted by the Secretary of State, an application made under paragraph (3) may be made to her instead of to a licensed crop inspector.

(7) An application made under this regulation shall be made in such form and manner and at such time as the Secretary of State may require and shall be accompanied by such information, material, records, illustrations and other documents as she may require.

(8) Following the receipt of an application made under paragraph (1) or (3), the Secretary of State (in the case of an application made under paragraph (1) or an application made under paragraph (3) that is being considered by her under paragraph (5) or has been made to her 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 15 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 and, where applicable, level 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 and level of seed to which paragraph (17) applies.

(9) Subject to paragraph (13), where in the case of an application made to the Secretary of State under paragraph (1) or an application made under paragraph (3) that is being considered by her under paragraph (5) or has been made to her 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 and, where applicable, level of seed intended to be harvested, and
- (b) where applicable, any other category and level of seed to which paragraph (17) applies,

the Secretary of State shall issue a field inspection report (which she shall retain as a lodged report unless instructed not to do so by the applicant) stating (by reference to the relevant category or categories and, where applicable, level of seed) 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 Secretary of State) 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 -

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

the licensed crop inspector shall issue a field inspection report to the applicant stating (by reference to the relevant category or categories and, where applicable, level of seed) 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 Secretary of State under paragraph (1) or an application made under paragraph (3) that is being considered by her under paragraph (5) or has been made to her 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 and, where applicable, level of seed intended to be harvested, the Secretary of State shall issue a field inspection report (which she 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 and, where applicable, level of seed to which paragraph (17) applies, stating the conditions (by reference to the relevant category or categories and, where applicable, level of seed), 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 Secretary of State) 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 the category and, where applicable, level of seed intended to be harvested, the licensed crop inspector shall issue a field inspection report to 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 and, where applicable, level of seed to which paragraph (17) applies, stating the conditions (by reference to the relevant category or categories and, where applicable, level of seed), if any, met by the

crop.

(13) Where -

- (a) an application has been made to the Secretary of State under paragraph (1), or an application has been made under paragraph (3) that is being considered by her under paragraph (5) or has been made to her 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 Parts I and III of Schedule 4 for the production of the category and, where appropriate, level of seed intended to be harvested,

the Secretary of State 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 she should issue a field inspection report under paragraph (9) or (11).

(14) Where paragraph (15) applies, the Secretary of State may carry out her 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 Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development; and
- (c) it has been determined by or on behalf of the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, having regard to -
  - (i) the conditions laid down in paragraphs 4 to 10, 11(4) to (7), 12(4) to (6), 14 and 16 of Schedule 3, and paragraphs 1 to 5, 7, 10, 17, 18 and 20 of Schedule 4, and
  - (ii) the category and, where applicable, level of seed to which the application relates,

that the plants produced in the control plot are not satisfactory plants from which to produce seed of the category and, where applicable, level to which the application relates.

(16) Where the Secretary of State 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), she shall inform the applicant whether she is satisfied that the seed used to produce the crop to which his application relates was satisfactory seed to be used for the production of the category, and, where applicable, level of seed to which his application relates, and, if the Secretary of State 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 that category and, where applicable, level of seed.

(17) This paragraph applies to the following categories and, where applicable, levels of seed -

- (a) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop of maize, rye or triticale, other than a component used in the production of a listed hybrid variety in each case, that has been produced from breeder's seed, to the category of basic seed;

- (b) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop of maize or rye, other than a component used in the production of a listed hybrid variety in each case, that has been produced from officially certified pre-basic seed, to the categories of basic and CS seed;
- (c) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop of triticale, other than a component used in the production of a listed hybrid variety, that has been produced from officially certified pre-basic seed, to the categories of basic, C1 and C2 seed;
- (d) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop of a component used in the production of a listed hybrid variety, to the category of basic seed;
- (e) in the case of an application made under paragraph (1) relating to a regulation 8(1)(b) crop of barley, durum wheat, oats, spelt wheat or wheat, other than a component used in the production of a listed hybrid variety in each case, that has been produced from breeder's seed, to the categories of HVS level and minimum level basic seed;
- (f) in the case of an application made under paragraph (1) relating to a regulation 8(1)(b) crop of barley, durum wheat, oats, spelt wheat or wheat, other than a component of a hybrid variety in each case, that has been produced from officially certified pre-basic seed, to the categories of HVS level basic, minimum level basic, HVS level C1, minimum level C1, HVS level C2 and minimum level C2 seed;
- (g) in the case of an application made under paragraph (1) relating to a regulation 8(1)(c) crop of a component of a hybrid variety of barley, durum wheat, maize (other than a regulation 8(1)(c) crop of maize being grown to produce a simple hybrid of maize as a component of a more complex hybrid), oats, rye, self-pollinating triticale, spelt wheat or wheat, to the category of pre-basic seed;
- (h) in the case of an application made under paragraph (1) relating to a regulation 8(1)(c) crop of maize or rye produced from officially certified pre-basic seed, other than a component of a hybrid in each case, to the categories of pre-basic and CS seed;
- (i) in the case of an application made under paragraph (1) relating to a regulation 8(1)(c) crop of triticale, other than a component of a hybrid variety, produced from officially certified pre-basic seed, to the categories of pre-basic, C1 and C2 seed;
- (j) in the case of an application made under paragraph (1) relating to a regulation 8(1)(d) crop of barley, durum wheat, oats, rye, spelt wheat, triticale or wheat produced from breeder's seed, to the categories of pre-basic and minimum level basic seed;
- (k) in the case of an application made under paragraph (1) relating to a regulation 8(1)(d) crop of barley, durum wheat, oats, spelt wheat or wheat produced from officially certified pre-basic seed, to the categories of pre-basic, minimum level basic, HVS level C1, minimum level C1, HVS level C2 and minimum level C2 seed;
- (l) in the case of an application made under paragraph (1) relating to a regulation 8(1)(e) crop of barley, durum wheat, oats, spelt wheat or wheat that has been produced from breeder's seed, to the categories of pre-basic and HVS level basic seed;
- (m) in the case of an application made under paragraph (1) relating to a regulation 8(1)(e) crop of barley, durum wheat, oats, spelt wheat or wheat that has been produced from officially certified pre-basic seed, to the categories of pre-basic, HVS level basic, HVS level C1, minimum level C1, HVS level C2 and minimum level C2 seed;
- (n) in the case of an application made under paragraph (1) relating to a regulation 8(1)(g) or (n) crop or an application made under paragraph (3) relating to a regulation 8(3)(b) crop of barley, durum wheat, oats, spelt wheat or wheat, to the categories of minimum level C1, HVS level C2, and minimum level C2 seed;
- (o) in the case of an application made under paragraph (1) relating to a regulation 8(1)(h) or (o) crop or an application made under paragraph (3) relating to a regulation 8(3)(c) crop of barley, durum wheat, oats, spelt wheat or wheat, to the categories of HVS level C1, HVS level C2 and minimum level C2 seed;
- (p) in the case of an application made under paragraph (1) relating to a regulation 8(1)(i) or (p) crop or an application made under paragraph (3) relating to a regulation 8(3)(d) crop of triticale, to the category of C2 seed; and
- (q) in the case of an application made under paragraph (1) relating to a regulation 8(1)(j) or (q) crop or an application made under paragraph (3) relating to a regulation 8(3)(e) crop of barley, durum wheat, oats, spelt wheat or wheat, to the category of minimum level C2 seed; and
- (r) in the case of an application made under paragraph (1) relating to a regulation 8(1)(k) or (r) crop or an application made under paragraph (3) relating to a regulation 8(3)(f) crop of barley, durum wheat, oats, spelt wheat or wheat, to the category of HVS level C2 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 Secretary of State, the Scottish Ministers, the National Assembly for Wales 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 Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, as the case may be, to determine whether, having regard to -

- (a) the conditions laid down in -
  - (i) paragraphs 4 to 10, 11(4) to (7), 12(4) to (6), 14 and 16 of Schedule 3, and
  - (ii) paragraphs 1 to 5, 7, 10, 17, 18 and 20 of Schedule 4, and
- (b) the category and, where applicable, level of the seed,

the plants produced in the plot indicate that the corresponding plants in the field are satisfactory plants from which to harvest the category and, where applicable, level of seed in respect of which the paragraph (3) application has been made.

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

9. - (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 Secretary of State by a registered person.

(2) This paragraph applies -

- (a) in relation to a crop produced in England, to a field inspection report issued under regulation 8(9), (10), (11) or (12);
- (b) in relation to a crop produced in the United Kingdom elsewhere than in England, 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 V(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 a Part II.A(3) official certificate relating to the crop issued by the approved seed certification authority in that country.

(3) An application made under this regulation -

- (a) shall be made in such form and manner as the Secretary of State may require;
- (b) shall be made within such time as the Secretary of State may require but, unless otherwise permitted by the Secretary of State, shall be made not later than the time when any seed test report relating to the seed harvested from the crop is lodged with the Secretary of State under regulation 12;
- (c) shall, subject to paragraph (4), be accompanied -
  - (i) in relation to a crop produced in England, 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 England, 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 and, where applicable, level of seed has already been provided to the Secretary of State by or on behalf of the Scottish Ministers, the National Assembly for Wales 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 Secretary of State may require.

(4) The Secretary of State may permit, subject to any conditions that she may impose, an application made under this regulation relating to a crop for which the applicant previously made an application under regulation 8(3) to be accompanied by the following document instead of the field inspection report issued under regulation 8(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 8(3)) -

- (a) that states, by reference to the relevant category and, where appropriate, level, 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 Secretary of State on demand and that a copy of the report will be made available to her on request during that period; and
- (d) that contains such other information as the Secretary of State 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 Secretary of State 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 her on request during that period.

### **Re-grading of crops**

**10.** - (1) An application to re-grade a crop for the production of a category and, where appropriate, level of seed to which paragraph (6) applies as a crop for the production of another category and, where appropriate, level of seed ("the new category") to which that paragraph applies may be made to the Secretary of State 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 Secretary of State 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 her, and
- (b) such other information as the Secretary of State may require for the purpose of determining the application.

(3) Where an application made under this regulation has been made in respect of a crop that has not been harvested -

(a) the Secretary of State shall, in the case of an application to re-grade a crop as a crop to produce pre-basic or basic seed, 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 and, where appropriate, level of seed if -

- (i) the previous field inspection report issued in respect of the crop was not issued by her, and
- (ii) the condition and stage of development of the crop permit an adequate examination; and

(b) the Secretary of State may, in the case of an application to re-grade a crop as a crop to produce CS, C1 or C2 seed, 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 and, where appropriate, level of seed if the condition and stage of development of the crop permit an adequate examination.

(4) If the Secretary of State -

- (a) in the case of an application to re-grade a crop as a crop to produce pre-basic or basic seed -
  - (i) 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));
  - (ii) 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

(iii) 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 and, where appropriate, level of seed;

(b) in the case of an application to re-grade a crop as a crop to produce CS or C1 seed -

(i) is satisfied that the crop has been produced directly from UK, EC, third country or overseas tested officially certified basic seed of a listed variety, or, with the breeder's written authority, from UK, EC or overseas tested officially certified pre-basic seed of a listed variety; and

(ii) 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 and, where appropriate, level of seed;

(c) in the case of an application to re-grade a crop as a crop to produce C2 seed -

(i) is satisfied that the crop has been produced directly from UK, EC, third country or overseas tested officially certified basic or C1 seed of a listed variety, or, with the breeder's written authority, from UK, EC or overseas tested officially certified pre-basic seed of a listed variety; and

(ii) 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 and, where appropriate, level of seed,

she 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 sub-paragraph (a)(iii), (b)(ii) or (c)(ii), as the case may be, and that his application to re-grade the crop has been successful.

(5) If the Secretary of State is satisfied that the conditions specified in paragraph (4) for the relevant category and, where applicable, level of seed have not been met she shall notify the applicant that his application to re-grade the crop has been unsuccessful.

(6) This paragraph applies to the following categories and levels of seed -

(a) pre-basic seed;

(b) basic seed of maize, rye or triticale, other than a component of a hybrid in each case;

(c) basic seed of a component of a hybrid variety of barley, durum wheat, maize (other than a simple hybrid of maize which is a component of a more complex hybrid), oats, rye, self-pollinating triticale, spelt wheat or wheat;

(d) in the case of barley, durum wheat, oats, spelt wheat or wheat, HVS level basic seed;

(e) in the case of barley, durum wheat, oats, spelt wheat or wheat, minimum level basic seed;

(f) in the case of maize or rye, other than a hybrid, CS seed;

(g) in the case of barley, durum wheat, oats, spelt wheat or wheat, HVS level C1 seed;

(h) in the case of barley, durum wheat, oats, spelt wheat or wheat, minimum level C1 seed;

(i) in the case of triticale, C1 seed;

(j) in the case of barley, durum wheat, oats, spelt wheat or wheat, HVS level C2 seed;

(k) in the case of barley, durum wheat, oats, spelt wheat or wheat, minimum level C2 seed; and

(l) in the case of triticale, C2 seed.

### Seed testing

**11.** - (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 11(1)(a) seed lot");
  - (b) seed of -
    - (i) maize or rye (including a hybrid of maize or rye);
    - (ii) triticale; or
    - (iii) a hybrid of barley, durum wheat, oats, self-pollinating triticale, spelt wheat or wheat, as basic seed ("a regulation 11(1)(b) seed lot");
  - (c) barley, durum wheat, oats, spelt wheat or wheat seed, other than a component of a hybrid variety in each case, as HVS level basic seed ("a regulation 11(1)(c) seed lot");
  - (d) barley, durum wheat, oats, spelt wheat or wheat seed, other than a component of a hybrid variety in each case, as minimum level basic seed ("a regulation 11(1)(d) seed lot");
  - (e) seed of -
    - (i) maize or rye (including a hybrid of maize or rye), or
    - (ii) a hybrid of barley, durum wheat, oats, self-pollinating triticale, spelt wheat or wheat, as CS seed ("a regulation 11(1)(e) seed lot");
  - (f) barley, durum wheat, oats, spelt wheat or wheat seed as HVS level C1 seed ("a regulation 11(1)(f) seed lot");
  - (g) barley, durum wheat, oats, spelt wheat or wheat seed as minimum level C1 seed ("a regulation 11(1)(g) seed lot");
  - (h) triticale seed as C1 seed ("a regulation 11(1)(h) seed lot");
  - (i) barley, durum wheat, oats, spelt wheat or wheat seed as HVS level C2 seed ("a regulation 11(1)(i) seed lot");
  - (j) barley, durum wheat, oats, spelt wheat or wheat seed as minimum level C2 seed ("a regulation 11(1)(j) seed lot"); and
  - (k) triticale seed as C2 seed ("a regulation 11(1)(k) seed lot").
- (2) An application made under this regulation shall not be made in respect of seed of a variety, or 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 Secretary of State instead of a licensed seed testing station.
- (4) If permitted by the Secretary of State, an application made under this regulation may be made to her instead of a licensed seed testing station.
- (5) An application made under this regulation -
- (a) shall be made in such form and manner and at such time as the Secretary of State may require, and
  - (b) shall 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 Secretary of State may require.
- (6) Following the receipt of an application made under this regulation the licensed seed testing station (or the Secretary of State 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 and, where applicable, level of seed for which the application is being made, and
- (b) unless requested not to do so by the applicant, for any other category and level 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 Secretary of State in a case where an application made under this regulation is being considered by her under paragraph (3) or has been made to her under paragraph (4)) in accordance with paragraph (8)(a), (9), (10), (11) or (12) in respect of a seed lot, the licensed seed testing station (or the Secretary of State 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 her) to determine that the official sample would meet the conditions laid down in Part II of Schedule 4 -

- (a) for the appropriate category and, where applicable, level of seed, and
- (b) where applicable, for any other category and level 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 and, where applicable, level of seed, and
  - (ii) where applicable, for any other category and level of seed to which paragraph (14) applies, or
- (b) the provisions of paragraph (7) apply,

the licensed seed testing station (or the Secretary of State where paragraph (3) or (4) applies) shall issue a seed test report to the applicant stating (by reference to the relevant category or categories and, where applicable, level 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 11(1)(a), (b), (c) or (d) 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 Secretary of State 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 and, where applicable, level of seed, and
- (b) where applicable, for any other category and, where applicable, level of seed to which paragraph (14) applies,

the licensed seed testing station (or the Secretary of State 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 and, where applicable, level of seed, and, where applicable, for any other category and level 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 Secretary of State 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 and, where applicable, level of seed, and, where applicable, for any other category and level 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 and, where applicable, level of seed, the licensed seed testing station (or the Secretary of State 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 and, where applicable, level of seed to which paragraph (14) applies, stating (by reference to the relevant category and level) whether the seed has been found to meet the conditions for any such category and level.

(13) If it appears to the Secretary of State 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 23 the Secretary of State may -

(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 her 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 and levels of seed -

(a) in the case of an application made under this regulation relating to a regulation 11(1)(a) seed lot of barley, durum wheat, oats, spelt wheat or wheat, other than a component used in the production of a listed hybrid variety in each case, to the categories of minimum level basic seed, minimum level C1 and minimum level C2 seed, and, if requested by the applicant, the categories of HVS level basic, HVS level C1 and HVS level C2 seed;

(b) in the case of an application made under this regulation relating to a regulation 11(1)(a) seed lot of triticale, other than a component used in the production of a listed hybrid variety, to the categories of basic, C1 and C2 seed;

(c) in the case of an application made under this regulation relating to a regulation 11(1)(a) seed lot of maize or rye, other than a component used in the production of a listed hybrid variety, to the categories of basic and CS seed;

(d) in the case of an application made under this regulation relating to a regulation 11(1)(a) seed lot of a component used in the production of a listed hybrid variety of barley, durum wheat, oats, rye, self-pollinating triticale, spelt wheat or wheat, to the category of basic seed;

(e) in the case of an application made under this regulation relating to a regulation 11(1)(a) seed lot of a component used in the production of a listed hybrid variety of maize (other than where the component itself is a hybrid and is a component of a hybrid variety which is itself a component of another hybrid variety) to the category of basic seed;

(f) in the case of an application made under this regulation relating to a regulation 11(1)(b) seed lot of triticale, other than a component of a hybrid variety, to the categories of pre-basic, C1 and C2 seed;

(g) in the case of an application made under this regulation relating to a regulation 11(1)(b) seed lot of maize or rye, other than a component of a hybrid variety, to the categories of pre-basic and CS seed;

(h) in the case of an application made under this regulation relating to a regulation 11(1)(b) seed lot of a component of a hybrid variety, other than a component which is itself a hybrid, to the category of pre-basic seed;

(i) in the case of an application made under this regulation relating to a regulation 11(1)(c) seed lot of barley, durum wheat, oats, spelt wheat or wheat, other than a component of a hybrid variety in each case, to the categories of pre-basic, minimum level basic, minimum level C1 and minimum level C2 seed, and, if requested by the applicant, to the categories of HVS level C1 and HVS level C2 seed;

(j) in the case of an application made under this regulation relating to a regulation 11(1)(d) seed lot of barley, durum wheat, oats, spelt wheat or wheat, other than a component of a hybrid variety in each case, to the categories of pre-basic, minimum level C1 and minimum level C2 seed, and, if requested by the applicant, to the categories of HVS level C1 and HVS level C2 seed;

(k) in the case of an application made under this regulation relating to a regulation 11(1)(f) seed lot of barley, durum wheat, oats, spelt wheat or wheat, to the categories of minimum level C1 and minimum level C2 seed, and, if requested by the applicant, the category of HVS level C2 seed;

(l) in the case of an application made under this regulation relating to a regulation 11(1)(g) seed lot of barley, durum wheat, oats, spelt wheat or wheat, to the category of minimum level C2 seed, and, if requested by the applicant, the category of HVS level C2 seed;

(m) in the case of an application made under this regulation relating to a regulation 11(1)(h) seed lot of triticale, to the category of C2 seed; and

(n) in the case of an application made under this regulation relating to a regulation 11(1)(i) seed lot of barley, durum wheat, oats, spelt wheat or wheat, to the category of minimum level C2 seed.

(15) In this regulation "qualifying seed lot" means a seed lot -

(a) containing seed harvested from a crop produced in England for which a field inspection report has been issued in accordance with -

(i) regulation 8(9);

(ii) regulation 8(10);

(iii) regulation 8(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 and, where applicable, level of seed referred to in regulation 8(11)(b);

(iv) regulation 8(12) 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 and, where applicable, level of seed referred to in regulation 8(12)(b);

(b) containing seed harvested from a crop produced in the United Kingdom elsewhere than in England -

(i) in respect of which the Secretary of State has received confirmation of crop approval by or on behalf of the Scottish Ministers, the National Assembly for Wales 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 Secretary of State in accordance with regulation 9; or

(c) imported into the United Kingdom as -

(i) not finally certified pre-basic, basic, CS, C1 or C2 seed harvested in another member State and for which the Annex V(C) document relating to the crop from which the seed in the seed lot was harvested has been lodged with the Secretary of State in accordance with regulation 9, or

(ii) not finally certified CS or C1 seed harvested in an equivalent third country and for which the Part II.A(3) official certificate relating to the crop from which the seed in the seed lot was harvested has been lodged with the Secretary of State in accordance with regulation 9.

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

12. - (1) A registered person to whom a final seed test report has been sent shall lodge the report with the Secretary of State -

(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 Secretary of State 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 an unlisted 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 Secretary of State may otherwise allow.

(2) An application to lodge a final seed test report -

(a) shall be made in such form and manner as the Secretary of State may require, and



(b) shall be accompanied by the final seed test report and such other information and documents as the Secretary of State may require.

(3) Subject to paragraph (4), the Secretary of State shall acknowledge receipt of each final seed test report lodged with her.

(4) Subject to paragraph (5), unless specifically requested to do so by the applicant, the Secretary of State shall not individually acknowledge the receipt of each final seed test report lodged with her 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 her.

(5) Where the Secretary of State 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 her during the period since she 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 11(8), (9), (11) or (12)(b).

### Re-grading of seed

**13.** - (1) An application to re-grade seed of any category and, where applicable, level specified in entry 1, 2, 3 or 4 in column 1 of the table in Schedule 5 as seed of any category and, where applicable, level ("the new category") specified in entry 1, 2, 3 or 4 respectively in column 2 of the table may be made to the Secretary of State 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 Secretary of State shall require and, if required by the Secretary of State, shall be accompanied by -

- (a) an official sample of the seed to which the application relates;
- (b) an application made under regulation 11 for the testing of an official sample of the seed lot; and
- (c) such other information and other documents as the Secretary of State may require for the purpose of determining the application.

(3) The Secretary of State -

(a) may test, or arrange for a licensed seed testing station to test, the official sample referred to in paragraph (2) in a case where an application has been made under this regulation to re-grade -

- (i) UK, EC or overseas tested officially certified pre-basic seed of a listed variety as UK officially certified basic seed of a listed variety;
- (ii) UK, EC, third country or overseas tested officially certified basic seed of a listed variety as UK officially certified pre-basic seed of a listed variety;
- (iii) seed of a category specified in entry 3 in column 1 of the table in Schedule 5 as seed of the other category specified in entry 3 in column 2 of the table; or
- (iv) seed of a category specified in entry 4 in column 1 of the table in Schedule 5 as seed of the other category specified in entry 4 in column 2 of the table; and

(b) subject to paragraph (4), shall test, or arrange for a licensed seed testing station to test, the official sample in the case of any other application 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 seed test report has previously been issued in accordance with regulation 11(8)(a), (9), (10), (11) or (12) in respect of a seed lot for which an application has been made under this regulation, the Secretary of State may decide not to test the official sample referred to in paragraph (2) for the purposes of paragraph 3(b) if the information contained in the previously issued report contains sufficient information to enable her to determine that the official sample would meet the conditions laid down in Part II of Schedule 4 for the appropriate category and, where applicable, level of seed.

(5) Where -

- (a) in the case of an application to re-grade seed as pre-basic or basic seed, the Secretary of State 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;
- (b) in the case of an application to re-grade seed as pre-basic or basic seed -
  - (i) in a case where the seed was harvested from a crop produced in England, the Secretary of State carried out a field inspection of the crop;
  - (ii) in a case where the seed was harvested from a crop produced in the United Kingdom elsewhere than in England, 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;
  - (iii) 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
  - (iv) 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;
- (c) in the case of an application to re-grade pre-basic seed as CS, C1 or C2 seed, the Secretary of State is satisfied that the seed has been produced from UK, EC or overseas tested officially certified pre-basic seed of a listed variety;
- (d) in the case of an application to re-grade basic seed as CS or C1 seed, the Secretary of State is satisfied that the seed has been harvested from a crop produced, with the breeder's written authority, directly from UK, EC or overseas tested officially certified pre-basic seed of a listed variety;
- (e) in the case of an application to re-grade seed as C2 seed, the Secretary of State is satisfied that the seed has been harvested from a crop produced directly from -
  - (i) UK, EC, third country or overseas tested officially certified basic seed of a listed variety, or
  - (ii) with the breeder's written authority, from UK, EC, third country or overseas tested officially certified pre-basic seed of a listed variety;
- (f) the Secretary of State 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 Secretary of State is satisfied on the basis of the information contained in a seed test report previously issued in respect of the lot -
  - (i) by or on behalf of the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development or by a licensed seed testing station;
  - (ii) by or 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 Secretary of State shall notify the applicant that his application to re-grade the seed lot has been successful.

(6) Where the Secretary of State is satisfied that the conditions specified in paragraph (5) have not been met she shall notify the applicant that his application to re-grade the seed lot has been unsuccessful.

**Withdrawals**

**14.** - (1) The Secretary of State 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 6, 11 or 13 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 23(6);
- (b) on the basis of information received by the Secretary of State she 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 Secretary of State she 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 IV of Schedule 4 at the time the seed was tested for seed certification purposes, or
  - (ii) although it met the requirements of Part II of Schedule 4 at the time of such testing it no longer meets them.
- (2) The Secretary of State 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 11 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 Secretary of State may notify -
- (a) the person who made an application under regulation 11 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 7 days after receiving the notice, notify any person to whom he has sold or supplied any of the seed 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 he has sold or supplied any of the seed of the withdrawal as soon as practicable after receiving notice of it -
- (a) pursuant to paragraph (3), by the Secretary of State, or
  - (b) pursuant to paragraph (4), by the person who sold or supplied the seed to him,
- and, in any case, not later than 7 days after receiving such notice.

PART III

*Control of Cereal Seed*

**Marketing of seed**

15. - (1) Subject to paragraph (2) and regulations 19 to 22, 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 Secretary of State, 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;
- (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 HVS seed**

**16.** - (1) This regulation applies to the marketing of any officially certified basic, C1 or C2 seed of barley, durum wheat, oats, spelt wheat or wheat where any label or notice affixed to, contained in or marked on any package containing the seed, any document accompanying the seed or any particulars displayed in respect of the seed, states or indicates that the seed attains the Higher Voluntary Standards for such seed.

(2) Where any person markets seed to which this regulation applies, the person marketing the seed shall be deemed to state for the purposes of these Regulations, and in relation to the particulars given to a purchaser, that -

- (a) the crop from which the seed has been harvested met the Higher Voluntary Standards for such seed laid down in Schedule 3 and Part I of Schedule 4;
- (b) the seed meets the Higher Voluntary Standards for such seed laid down in Part II of Schedule 4; and
- (c) a successful application has been made to the Secretary of State under paragraph (3) verifying that the crop and seed has attained those standards.

(3) An application for verification that basic, C1 or C2 seed of barley, durum wheat, oats, spelt wheat or wheat has attained the Higher Voluntary Standards for such seed may be made to the Secretary of State in such form and manner and containing such information and accompanied by such documents as the Secretary of State may require and the Secretary of State shall grant the application if the Secretary of State is satisfied that -

- (a) the crop from which the seed has been harvested met the Higher Voluntary Standards for such seed laid down in Schedule 3 and Part I of Schedule 4; and
- (b) the seed meets the Higher Voluntary Standards for such seed laid down in Part II of Schedule 4.

**Marketing of officially certified lower germination seed**

**17.** 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, his name and address and the reference number of the seed lot.

**Marketing of officially certified early movement seed**

**18.** - (1) No person shall market officially certified early movement pre-basic or basic seed unless -

- (a) he guarantees a minimum percentage of germination for the seed that is -
  - (i) the same as the EC minimum percentage of germination for the relevant species of seed and the same as or less than the

percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based, or

(ii) less than the EC minimum percentage of germination for the relevant species of seed and the same as the percentage of germination ascertained by the provisional analysis on which the certification of the seed was based; and

(b) he provides the purchaser, upon or before delivery of the seed, with a statement -

(i) stating that the seeds are being marketed before the completion of the official germination test;

(ii) specifying the guaranteed minimum percentage of germination; and

(iii) specifying the name and address of the person marketing the seed and the reference number of the seed lot.

(2) No person shall market officially certified early movement CS, C1 or C2 seed unless -

(a) he guarantees a minimum percentage of germination for the seed that is -

(i) the same as the EC minimum percentage of germination for the relevant species of seed, and

(ii) the same as, or less than, the percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based, and

(b) he provides the purchaser, upon or before delivery of the seed, with a statement -

(i) stating that the seeds are being marketed before the completion of the official germination test;

(ii) specifying the guaranteed minimum percentage of germination; and

(iii) specifying the name and address of the person marketing the seed and the reference number of the seed lot.

(3) Where any person -

(a) markets seed in accordance with paragraph (1) or (2), and

(b) the official germination test shows that the percentage of germination of the seed is less than the minimum percentage of germination guaranteed in accordance with the requirements of paragraph (1)(a) or (2)(a) as the case may be,

he shall provide the purchaser with the result of the completed official germination test as soon as practicable and, in any event, not later than seven days after being informed of it.

**Exception for scientific purposes and selection work**

**19.** - (1) The prohibition in regulation 15(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 Secretary of State 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 National Assembly for Wales;

(iii) the Department of Agriculture and Rural Development; or

(iv) a competent seed certification authority in another member State,

pursuant to Article 4a(1)(a) of the Cereal Seed Directive.

(2) A producer in England may apply to the Secretary of State for a regulation 19 authorisation.

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

(4) The Secretary of State shall not grant a regulation 19 authorisation in respect of seed of a genetically modified variety unless an authorisation is in force in respect of the variety concerned under Part C of Council Directive 2001/18/EC<sup>[16]</sup> on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.

(5) A regulation 19 authorisation may -

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

(b) impose such conditions as the Secretary of State 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.

### **Exception for test and trials**

**20.** - (1) The prohibition in regulation 15(1) shall not apply to the marketing by a producer of seed for test and trial purposes for which -

(a) an authorisation has been granted to the producer by the Secretary of State 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 National Assembly for Wales;

(iii) the Department of Agriculture and Rural Development; or

(iv) a competent seed certification authority in another member State,

pursuant to Article 4a(1)(b) of the Cereal Seed Directive.

(2) A producer in England may apply to the Secretary of State for a regulation 20 authorisation.

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

(4) The Secretary of State shall not grant a regulation 20 authorisation unless -

(a) she considers that the amount of seed that may be marketed under it is of an appropriate quantity for the test or trial;

(b) an application has been submitted to the relevant authority under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001<sup>[17]</sup> for acceptance of the variety concerned on to a National List that has not been withdrawn or finally determined; and

(c) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety concerned under Part C of Council Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.

(5) A regulation 20 authorisation -

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

(b) may impose such conditions as the Secretary of State 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, including a condition relating to the keeping of records in respect of the marketing of the seed.

### **General exemptions**

**21.** - (1) The prohibition in regulation 15(1) shall not apply to the marketing of seed that is authorised by a general licence made by the Secretary of State 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 Secretary of State 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 Secretary of State 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 13a of the Cereal Seed Directive;

(b) to give effect to the provisions of a Council Decision made under Article 16 of the Cereal 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 17 of the Cereal Seed Directive.

(4) A general licence issued under paragraph (2) -

(a) shall have effect during the period specified in it unless the Secretary of State revokes it earlier, and

(b) may impose such conditions as the Secretary of State 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.

### **Mixtures**

**22.** - (1) The prohibition in regulation 15(1) shall not apply to the marketing of a mixture of seeds to which paragraph (2) applies.

(2) This paragraph applies to -

(a) a specific mixture of various varieties of one species of seed -

(i) that, as a mixture, is effective against the propagation of a harmful organism, and

(ii) each component of which complied, before mixing, with the relevant provisions of these Regulations;

(b) a mixture of different species of seeds, each component of which complied, before mixing, with the relevant provisions of these Regulations; and

(c) a mixture of seeds permitted by the Fodder Plant Seed (England) Regulations 2002[[18](#)] that includes seed of a species to which these Regulations apply and that complied, before mixing with the fodder plant seed, with the relevant provisions of these Regulations.

### **Sampling**

**23.** - (1) A sample of seeds taken in connection with an application made under regulation 6, 11 or 13 shall be drawn -

(a) by -

(i) an authorised officer, or

(ii) a licensed seed sampler acting under the supervision of the authority who appointed him;



- (b) in accordance with the method laid down in Schedule 5 of the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002<sup>[19]</sup>; and
- (c) from a homogeneous seed lot.

(2) Subject to paragraph (3), the maximum weight of a seed lot shall be that set out in column (3) of the table in Schedule 7.

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

(4) The minimum weight of a sample shall be that set out in column (4) of the table in Schedule 7.

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

(6) If a sample of seeds submitted or taken in connection with an application made under 6, 11 or 13 -

- (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.

**Packaging**

**24.** - (1) No person shall market -

- (a) any officially certified pre-basic, basic, CS, C1 or C2 seed, or
- (b) a mixture of seeds to which regulation 22 applies,

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 -

- (a) breeder's seed;
- (b) officially certified pre-basic, basic, CS, C1 or C2 seed; or
- (c) a mixture of seeds to which regulation 22 applies,

unless it is in a properly sealed package.

(3) Paragraph (2) shall not apply in the case of -

- (a) the marketing of seed not exceeding 5 kilograms in weight to the final consumer; and
- (b) the marketing of officially certified CS seed (other than maize), C1 seed or C2 seed in bulk direct to the final consumer in a container that is closed after filling and in respect of which the person marketing the seed delivers a note to the final consumer containing the information given on the official label on the container from which the seed was taken.

(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 seed to which paragraph (6) applies and that has been sealed only once "properly sealed package" means -

(a) in the case of a package of seed sealed in England, 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 25(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) the United Kingdom, elsewhere than in England, or

(ii) another member State,

a sealed package of seed that has been sealed in accordance with the provisions of Article 9(1) of the Cereal 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 B.I of Part II of the Annex to the Third Country Equivalence Decision.

(6) This paragraph applies to a package of officially certified pre-basic, basic, CS, C1 or C2 seed other than a small package of such seed that has been sealed in the United Kingdom.

(7) In this regulation, in relation to a package of a mixture of seeds to which paragraph (8) applies and that has been sealed only once, "properly sealed package" means a sealed package of seed that has been sealed -

(a) in the case of a package of seed sealed in England, a sealed package of seed that has been sealed -

(i) by a person to whom regulation 25(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;

(8) This paragraph applies to a package of a mixture of seeds to which regulation 22 applies other than a small package of such seed that has been sealed in the United Kingdom.

(9) In this regulation, in the case of -

(a) a small package of officially certified pre-basic, basic, CS, C1 or C2 seed, and

(b) a small package of a mixture of seeds to which regulation 22 applies,

that has been sealed in the United Kingdom "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.

(10) In this regulation, in the case of a package of seed to which paragraph (11) applies 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 England, a sealed package of seed that, on each occasion it has been resealed, has been resealed -

(i) by a person to whom regulation 25(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 England, 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 9(2) of the Cereal Seed Directive;

(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 the provisions of paragraph B.I of Annex II to the Third Country Equivalence Decision.

(11) This paragraph applies to -

- (a) a package of officially certified pre-basic, basic, CS, C1 or C2 seed, and
- (b) a package of a mixture of seeds to which regulation 22 applies,

other than a small package of such seed that has been sealed in the United Kingdom or another member State.

**Sealing of packages**

**25.** - (1) Subject to paragraph (2), no person shall seal a package of -

- (a) officially certified pre-basic, basic, CS, C1 or C2 seed, or
- (b) a mixture of seeds to which regulation 22 applies,

except a person to whom paragraph (5) applies.

(2) Paragraph (1) shall not apply to the sealing of a small package of officially certified pre-basic, basic, CS, C1 or C2 seed.

(3) Subject to paragraph (4), no person shall reseal a package of -

- (a) officially certified pre-basic, basic, CS, C1 or C2 seed, or
- (b) a mixture of seeds to which regulation 22 applies,

except a person to whom paragraph (5) applies.

(4) Paragraph (3) shall not apply -

- (a) to a small package of seed, or
- (b) 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.

(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.

## Labelling of packages

26. - (1) Subject to paragraphs (2), (3) and (4), no person shall market any -

- (a) breeder's seed;
- (b) officially certified pre-basic, basic, CS, C1 or C2 seed; or
- (c) a mixture of seeds to which regulation 22 applies,

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) Paragraph (1) shall not apply to the marketing of officially certified CS seed (other than maize), officially certified C1 seed or C2 seed in bulk direct to the final consumer in a container that is closed after filling and in respect of which the person marketing the seed delivers a note to the final consumer, not later than the time of delivery of the seed, containing the information given on the official label on the container from which the seed was taken.

(4) A person may market any seed otherwise than in a package that complies with the other provisions of this regulation direct to the final consumer where the seed is sold or supplied in a quantity not exceeding 5 kilograms and is 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 in the case of seed other than a mixture and paragraph 2 of that Schedule in the case of a mixture of seeds.

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

(6) A package of officially certified pre-basic seed, other than a small package of such seed sealed in the United Kingdom, shall be labelled -

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 5 to 8 of Schedule 8, and
- (b) in the case of a package of seed sealed -
  - (i) in the United Kingdom, elsewhere than in England, or
  - (ii) in another member State,

in accordance with the provisions of Article 14a(c) of the Cereal Seed Directive.

(7) A package of officially certified basic, CS, C1 or C2 seed, other than a small package of such seed sealed in the United Kingdom, shall be labelled -

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 9 to 13 of Schedule 8;
- (b) in the case of a package of seed sealed -
  - (i) in the United Kingdom, elsewhere than in England, or
  - (ii) in another member State,

in accordance with the provisions of Article 10(1)(a) of the Cereal Seed Directive as they apply to basic, CS, C1 or C2 seed; and

(c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraph B.I of Part II of the Annex to the Third Country Equivalence Decision as they apply to basic, CS, C1 or C2 seed.

(8) A small package of officially certified pre-basic, basic, CS, C1 or C2 seed sealed in the United Kingdom shall be labelled -

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 14 to 16 of Schedule 8, and

(b) in the case of a package of seed sealed in the United Kingdom, elsewhere than in England, in accordance with provisions equivalent to the ones contained in sub-paragraph (a).

(9) A package of a mixture of seeds to which regulation 22 applies, other than a small package of such seeds sealed in the United Kingdom, shall be labelled -

(a) in the case of a package of seed sealed in England, in accordance with paragraphs 17 to 21 of Schedule 8, and

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

(i) in the United Kingdom, elsewhere than in England, or

(ii) in another member State,

in accordance with the provisions of Article 10(1)(a) of the Cereal Seed Directive as read with Article 13(3) of that Directive.

(10) A small package of a mixture of seeds to which regulation 22 applies sealed in the United Kingdom shall be labelled -

(a) in the case of a package of seed sealed in England, in accordance with paragraphs 22 to 24 of Schedule 8, and

(b) in the case of a package of seed sealed in the United Kingdom, elsewhere than in England, in accordance with provisions equivalent to the ones contained in sub-paragraph (a).

(11) A package of officially certified basic, CS, C1 or C2 (other than a small package of such seed sealed in the United Kingdom) and a package of a mixture of seeds to which regulation 22 applies (other than a small package of such seed sealed in the United Kingdom) shall contain a document that -

(a) in the case of a package of seed sealed in England -

(i) is the same colour as the official label fixed to the outside of the package in accordance with the provisions of this regulation, and

(ii) that contains the particulars specified in paragraph 9(c), (e) and (f) of Schedule 8, in the case of basic, CS, C1 or C2 seed, and paragraph 17(a) and (c) of Schedule 8 in the case of a mixture of seeds to which regulation 22 applies;

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

(i) in the United Kingdom, elsewhere than in England, or

(ii) in another member State,

is in accordance with the provisions of Article 10(1)(b) of the Cereal Seed Directive as they apply to such seed and as read with Article 13(3) of that Directive in the case of a mixture of seeds to which regulation 22 applies; and

(c) in the case of a package of seed sealed in an equivalent third country, is in accordance with the provisions of paragraph B.I of Part II of the Annex to the Third Country Equivalence Decision as they apply to such seed.

(12) The provisions of paragraph (11) shall not apply if -

(a) the particulars specified in paragraph (11)(a)(ii) are printed indelibly on the outside of the package, or

(b) the official label is an adhesive or a tear resistant label.

(13) Notwithstanding paragraph (7) a package (other than a small package) of officially certified basic, CS, C1 or C2 seed may be marketed if -

(a) the appropriate particulars of the matters specified in paragraphs 9(a) to (l) of Schedule 8, and if so desired the particulars specified in paragraph 10 of that Schedule, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified, and

(b) the requirements of Part VI of that Schedule are satisfied.

(14) 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 (4),

shall clearly indicate that the variety has been genetically modified.

(15) If any breeder's seed or officially certified pre-basic, basic, CS, C1 or C2 seed or a mixture of seeds to which regulation 22 applies 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) or (4) applies, with the particulars given in accordance with that paragraph; and

(b) in a case where paragraph (3) or (4) does not apply -

(i) on a separate supplier's label on the package; or

(ii) on the label required under paragraph (5), (6), (7), (8), (9) or (10);

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.

(16) Subject to paragraph (17), if a package of officially certified pre-basic, basic, CS, C1 or C2 seed, other than a small package of such 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.

(17) Where a package of seed of the type specified in paragraph 16, 22, 30, 31(3), 38 or 39(3) of Schedule 1 is resealed, the package shall be labelled with an OECD label containing the particulars otherwise required under this regulation.

(18) The particulars and the information given in accordance with this regulation shall be given in one of the official languages of any member State.

(19) 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.

## PART IV

### *Miscellaneous and Supplemental Provisions*

#### **Civil liability of sellers of seeds**

**27.** - (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 level 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 or, in the case of a mixture of seed permitted by regulation 22(2), of each of its constituents to which these Regulations apply.

(2) Section 17(2) of the Act shall apply to any particulars given to a purchaser by the seller of seed, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage germination, the percentage analytical purity or the content of seed of other plant species 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 germination, the percentage analytical purity or the content of seed of other plant species.

(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 him of the seed, give to the seller notice of his 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 himself or his 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 his representative may, and if the seller or his 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 his representative into two parts in accordance with the requirements contained in Schedule 5 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002, 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 his representative or, if he or his representative was not present when the sample was taken, sent to him 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**

**28.** - (1) Subject to the following provisions of this regulation, the Secretary of State may make arrangements, in such form as she is of the opinion may be necessary or desirable, for the purpose of enabling any person to act under her responsibility in carrying out official measures.

(2) The Secretary of State shall not make an arrangement under this regulation unless she 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 Secretary of State.

(3) An arrangement under this regulation may include such conditions as the Secretary of State 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 generation of seed in respect of which he may carry out the official measures;
  - (iii) the methods to be used in connection with the official measures he carries 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 he carries 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 he carries 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 he carries out under the arrangement except to the extent that these do not exceed the costs he incurs 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 he has arranged with the Secretary of State to carry out, unless -



- (i) the Secretary of State 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 Secretary of State 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 Secretary of State made the arrangement;
- (iii) the further arrangement includes an acknowledgement by the person with whom it is made that the Secretary of State may vary, suspend or revoke the further arrangement, whether or not she also varies, suspends or revokes the arrangement she made with the person seeking her approval for the further arrangement; and
- (iv) the further arrangement includes the conditions specified in sub-paragraphs (a) and (b).

(4) The Secretary of State shall not approve the making of a further arrangement by any person with whom she makes an arrangement under this regulation unless she 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 he 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 Secretary of State 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 Secretary of State 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 her to be official measures carried out in accordance with the provisions of these Regulations.

## **Fees**

**29.** - (1) The Secretary of State may charge any person reasonable fees in respect of costs reasonably incurred by the Secretary of State in carrying out official measures for the purposes of these Regulations.

(2) The Secretary of State may charge any person concerned in any matter connected with these Regulations reasonable fees in respect of costs reasonably incurred by the Secretary of State 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 Secretary of State in connection with -

- (a) the taking of samples in accordance with regulation 23;
- (b) the sealing of packages in accordance with regulations 24 and 25; and
- (c) the labelling of packages in accordance with regulation 26.

(3) A person carrying out official measures in accordance with an arrangement or further arrangement under regulation 28 may charge any person, including any other person with whom an arrangement or further arrangement has been made under regulation 28, reasonable fees in respect of costs he reasonably incurs in carrying out official measures under the responsibility of the Secretary of State 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

(a) with the agreement of the Secretary of State or a person carrying out official measures in accordance with an arrangement or further arrangement under regulation 28 (as the case may be), within twenty-eight days following notice from the Secretary of State 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**

**30.** - (1) Any notice required by virtue of these Regulations to be given to any person by the Secretary of State may be given by her -

(a) by delivering it to him or by leaving it at his proper address or by sending it by post to him 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>[20]</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 his 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 Secretary of State has specified to her an address within the United Kingdom other than his proper address (as determined under paragraph (2)) as the one at which he or someone on his behalf will accept notices of that description.

(4) In relation to that notice, that address shall be treated as his 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).

### **Index of defined words and expressions**

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

### **Revocations and transitional provisions**

**32.** - (1) Subject to paragraph (2) -

(a) the Cereal Seeds Regulations 1993<sup>[21]</sup>, the Cereal Seeds (Amendment) Regulations 1995<sup>[22]</sup>, the Seeds (Miscellaneous Amendments) Regulations 1997<sup>[23]</sup> and the Cereal Seeds (Amendment) Regulations 1999<sup>[24]</sup> are revoked in so far as they apply to England;

(b) the Cereal Seeds (Amendment)(England) Regulations 1999<sup>[25]</sup> and the Cereal Seeds (Amendment)(England) Regulations 2000<sup>[26]</sup> are revoked;

(c) the Seeds (Fees) Regulations 1985<sup>[27]</sup> are revoked in so far as they apply to England in relation to matters arising under the Cereal Seeds Regulations 1993; and

(d) the Seeds (Fees)(Amendment)(England) Regulations 2002[28] are revoked in relation to matters arising under the Cereal Seeds Regulations 1993.

(2) The provisions of these Regulations shall not apply to seed harvested on or before 31st December 2002 until 1st July 2003.

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

*Michael Meacher*  
Minister of StateDepartment for Environment, Food and Rural Affairs

18th December 2002

SCHEDULE 1

Regulation 2(6) and Schedule 10

INTERPRETATION

PART I

*Meaning of Pre-Basic Seed and Similar Expressions*

**Pre-basic seed**

1. - (1) In these Regulations, other than in relation to a component that is used in the production of a listed hybrid variety, "pre-basic seed" means seed of a generation prior to basic 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 more pre-basic seed, basic seed, or with the breeder's written authority -
  - (i) in the case of rye or maize, CS seed;
  - (ii) except in the case of rye or maize, C1 seed; or
  - (iii) except in the case of rye or maize, C2 seed.

(2) In these Regulations, in relation to a component that is used in the production of a listed hybrid variety, "pre-basic seed" means seed of a generation prior to basic seed that is intended to be used for the production of -

- (a) more pre-basic seed of the component;
- (b) basic seed; or
- (c) with the breeder's written authority, CS seed of a hybrid variety.

**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 National Assembly for Wales 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 National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to -

(a) 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 IV 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 -

(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) and (iii);

(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 that -

(i) has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;

(ii) 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,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or 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 Secretary of State under regulation 13 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 V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and

(ii) the seed test report referred to in paragraph (b).

**UK officially certified early movement 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 National Assembly for Wales or the Department of Agriculture and Rural Development, and

(b) seed of a previously listed variety officially certified as early movement pre-basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to -

(a) 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 IV 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 National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or 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 Secretary of State under regulation 13 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.

**UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety**

7. - (1) In these Regulations "UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety" means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to -

(a) seed of a component used in the production of a listed hybrid variety officially certified as pre-basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and

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

(3) This paragraph applies to -

(a) pre-basic seed of a component used in the production 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 IV 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 component used in the production 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) pre-basic seed of a component used in the production of a listed hybrid 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 sub-paragraph (a)(ii) and (iii);

(d) pre-basic seed of a component used in the production of a previously listed hybrid 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 in respect of seed of the hybrid variety;

(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 a component used in the production of a listed 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 of a component used in the production of a listed hybrid variety for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

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

**EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety**

8. In these Regulations "EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety" means -

- (a) pre-basic seed of a component used in the production of a listed hybrid 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 component used in the production of a previously listed hybrid 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 in respect of seed of the hybrid variety.

**Overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety**

9. In these Regulations "overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid

variety" means pre-basic seed of a component used in the production 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 used in the production of a listed hybrid variety that was unlisted at the time when the seed was imported but has since been listed, and

(d) that is accompanied by -

(i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and

(ii) the seed test report referred to in paragraph (b).

**UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety**

**10.** - (1) In these Regulations "UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety" means seed of which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to -

(a) seed of a component used in the production of a listed hybrid variety officially certified as early movement pre-basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and

(b) seed of a component used in the production of a previously listed hybrid variety officially certified as early movement pre-basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.

(3) This paragraph applies to -

(a) pre-basic seed of a component used in the production 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 IV 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 component used in the production 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) pre-basic seed of a component used in the production of a listed hybrid variety -



(i) that 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 sub-paragraph (a)(ii) to (iv); and

(d) pre-basic seed of a component used in the production of a previously listed hybrid 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 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 National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

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

**EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety**

11. In these Regulations "EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety" means -

(a) pre-basic seed of a component used in the production of a listed hybrid 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 component used in the production of a previously listed hybrid 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 in respect of seed of the hybrid variety.

**Officially certified pre-basic seed**

12. 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;

(e) EC officially certified early movement pre-basic seed of a listed variety;

(f) UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(g) EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(h) overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(i) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and

(j) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.

PART II

*Meaning of Basic Seed and Similar Expressions*

**Basic seed**

**13.** - (1) In these Regulations, in relation to barley, durum wheat, oats, rye, self-pollinating triticale, spelt wheat, and wheat, other than a hybrid in each case, "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 -
  - (i) in the case of rye, CS seed;
  - (ii) except in the case of rye, C1 seed; or
  - (iii) except in the case of rye, C2 seed.

(2) In these Regulations, in relation to an open-pollinated variety of maize, "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 -
  - (i) for the production of CS seed of the same variety, or
  - (ii) as a component in the production of CS seed of a top cross or intervarietal hybrid variety.

(3) In these Regulations, in relation to a component of a hybrid variety of barley, durum wheat, oats, rye, self pollinating triticale, spelt wheat or wheat, or an inbred line of maize, "basic seed" means seed that is intended to be used for the production of CS seed of a hybrid variety.

(4) In these Regulations, in relation to a simple hybrid that is a component of a hybrid variety of maize, "basic seed" means seed that is intended to be used for the production of CS seed of a double, triple-cross or top cross hybrid variety.

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

**14.** - (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 National Assembly for Wales 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 National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to -

- (a) 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 IV 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) 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 National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or 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 Secretary of State under regulation 13 to re-grade it as basic seed.

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

**15.** 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

(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**

**16.** - (1) In these Regulations "third country officially certified basic seed of a listed variety" means seed of an approved species 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 6 of

Part II(B) of the Annex 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 -
    - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
    - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and
    - (iii) in both cases, the conditions specified in paragraphs 1 and 3 of Part II(B) of the Annex to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with -
    - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
    - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and
- and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 4 of Part II(B) of the Annex 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 Canada or 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**

**17.** - (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 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 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 V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and

(ii) the seed test report referred to in paragraph (b).

(3) This sub-paragraph applies to basic seed of an approved species -

(a) that complies with the requirements of paragraph 16(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**

**18.** - (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 National Assembly for Wales or the Department of Agriculture and Rural Development, and

(b) seed of a previously listed variety officially certified as early movement basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to -

(a) 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 IV 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 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 National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed hybrid 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 Secretary of State under regulation 13 to re-grade it as early movement basic seed.

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

**19.** 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**

**20.** - (1) In these Regulations "UK officially certified basic seed of a component of a listed hybrid variety" means seed to which paragraph (2), (3) or (4) 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 National Assembly for Wales 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 National Assembly for Wales 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 IV 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 National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

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

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

**21.** 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**

**22.** - (1) In these Regulations "third country officially certified basic seed of a component of a listed hybrid variety" means basic seed of an approved species 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,

(ii) from a preceding generation of seed that was produced in accordance with the provisions specified in paragraph 6 of Part II(B) of the Annex to the Third Country Equivalence Decision; and

(b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with -

(i) in the case of seed other than maize, the OECD Cereal Seed Scheme;

(ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and

(iii) in both cases, the conditions specified in paragraphs 1 and 3 of Part II(B) of the Annex to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with -

(i) in the case of seed other than maize, the OECD Cereal Seed Scheme;

(ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and

as regards the packaging, in accordance with the relevant conditions specified in paragraph 4 of Part II(B) of the Annex 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 Canada or 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**

**23.** - (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 V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the



- member State referred to in paragraph (a), and
- (ii) the seed test report referred to in paragraph (b).

(3) This sub-paragraph applies to basic seed of a component of a listed hybrid variety -

- (a) that complies with the requirements of paragraph 22(2)(a) to (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**

**24.** - (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), (3) or (4) 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 National Assembly for Wales 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 National Assembly for Wales 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 IV 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) that complies with the requirements of sub-paragraph (a)(ii) to (iv); and
- (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) 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 National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

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

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

25. 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**

26. 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, C1 and C2 Seed and Similar Expressions*

**CS seed (maize and rye, and hybrids of barley, durum wheat, oats, self-pollinating triticale, spelt wheat and wheat)**

27. In these Regulations in relation to maize and rye (including hybrids of maize and rye) and hybrids of barley, durum wheat, oats, self-pollinating triticale, spelt wheat and wheat "CS seed" means seed that -

- (a) has been produced directly from officially certified basic seed or, with the breeder's written authority, from officially certified pre-basic seed, and
- (b) is intended for purposes other than the production of cereal seed.

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

- 28.** - (1) In these Regulations "UK officially certified CS seed of a listed variety" means seed to which paragraph (2), (3) or (4) applies.
- (2) This paragraph applies to -
- (a) seed of a listed variety officially certified as CS seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as CS seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to -
- (a) CS seed of a listed variety -
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) 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, III and IV 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
- (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 National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

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

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

**29.** 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**

**30.** - (1) In these Regulations "third country officially certified CS seed of a listed variety" means seed of an approved species 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;
  - (ii) from basic seed that was produced in accordance with the provisions of paragraph 7 of Part II(B) of the Annex 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 -
  - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
  - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and
  - (iii) in both cases, the conditions specified in paragraphs 1 and 3 of Part II(B) of the Annex to the Third Country Equivalence Decision;
- (c) that has been packed in packages that have been officially closed and marked in accordance with -
  - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;

(ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and

as regards the packaging, in accordance with the relevant conditions specified in paragraph 4 of Part II(B) of the Annex 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 Canada or 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**

**31.** - (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 was issued by or on behalf of the competent seed certification authority in the member State stating that the crop had been found to satisfy the relevant Directive crop conditions for CS seed;

(b) for which a seed test report has been issued -

(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 V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and

(ii) the seed test report referred to in paragraph (b).

(3) This sub-paragraph applies to CS seed of an approved species -

(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) a Part 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 has been found to satisfy the relevant crop conditions for CS seed, and
  - (ii) the seed test report referred to in paragraph (b).

(4) This sub-paragraph applies to CS seed of an approved species -

- (a) that complies with the requirements of paragraph 30(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**

**32.** - (1) In these Regulations "UK officially certified early movement CS seed of a listed variety" means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to -

- (a) seed of a listed variety officially certified as early movement CS seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as early movement CS seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to -

- (a) CS seed of a listed variety -
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) 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, III and IV 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,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

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

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

**33.** 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**

**34.** 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.

### **C1 seed**

**35.** In these Regulations, in relation to barley, durum wheat, oats, spelt wheat, triticale and wheat, other than a hybrid in each case, "C1 seed" means seed that -

(a) has been produced directly from officially certified basic seed or, with the breeder's written authority, from officially certified pre-basic seed, and

(b) is intended -

(i) for production of C2 seed, or

(ii) for purposes other than the production of cereal seed.

### **UK officially certified C1 seed of a listed variety**

**36.** - (1) In these Regulations "UK officially certified C1 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 C1 seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and

(b) seed of a previously listed variety officially certified as C1 seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to -

(a) C1 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 C1 seed is to be produced;

(ii) that satisfies the conditions laid down in Parts II and IV of Schedule 4 for C1 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 C1 seed;

(b) C1 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) C1 seed of a listed variety -

(i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State, and

(ii) that complies with the requirements of paragraph (a)(ii) and (iii);

(d) C1 seed of a previously listed variety -

(i) that has been imported into the United Kingdom as not finally certified C1 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) C1 seed -

- (i) that has been imported into the United Kingdom as not finally certified C1 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) C1 seed of a listed variety -

- (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country, and
- (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and

(g) C1 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 C1 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 National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the Secretary of State under regulation 13 to re-grade it as C1 seed.

**EC officially certified C1 seed of a listed variety**

37. In these Regulations "EC officially certified C1 seed of a listed variety" means -

- (a) C1 seed of a listed variety officially certified as C1 seed by the competent seed certification authority in another member State, and
- (b) C1 seed of a previously listed variety officially certified as C1 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

**Third country officially certified C1 seed of a listed variety**

38. - (1) In these Regulations "third country officially certified C1 seed of a listed variety" means C1 seed of an approved species to which sub-paragraph (2) or (3) applies.

(2) This sub-paragraph applies to C1 seed of a listed variety -

- (a) that was harvested from a crop that was produced -
  - (i) in an equivalent third country,
  - (ii) from basic seed that was produced in accordance with the provisions of paragraph 7 of Part II(B) of the Annex to the

Third Country Equivalence Decision;

(b) that has been officially certified as C1 seed by the approved seed certification authority in that country in accordance with the OECD Cereal Seed Scheme and the conditions specified in paragraphs 1 and 3 of Part II(B) of the Annex 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 Cereal Seed Scheme, and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 4 of Part II(B) of the Annex 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 C1 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 C1 seed other than those relating to varietal identity and varietal purity; or

(iii) in a case where the seed has been certified in Canada or 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 C1 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 C1 seed of a listed variety**

**39.** - (1) In these Regulations "overseas tested officially certified C1 seed of a listed variety" means C1 seed to which sub-paragraph (2), (3) or (4) applies.

(2) This sub-paragraph applies to C1 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 C1 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 laboratory 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 C1 seed;

(c) that has been imported into the United Kingdom as C1 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and

(d) that is accompanied by -

(i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and

(ii) the seed test report referred to in paragraph (b).

(3) This sub-paragraph applies to C1 seed of an approved species -

- (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 C1 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 C1 seed;
- (c) that has been imported into the United Kingdom as C1 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) a Part 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 has been found to satisfy the relevant crop conditions for C1 seed, and
  - (ii) the seed test report referred to in paragraph (b).

(4) This sub-paragraph applies to C1 seed of an approved species -

- (a) that complies with the requirements of paragraph 38(2)(a) to (d), and
- (b) that was imported into the United Kingdom as C1 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 C1 seed of a listed variety**

**40.** - (1) In these Regulations "UK officially certified early movement C1 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 C1 seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as early movement C1 seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to -

- (a) C1 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 C1 seed is to be produced;
  - (ii) that, subject to sub-paragraph (iii), satisfies the conditions laid down in Parts II and IV of Schedule 4 for C1 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 C1 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 C1 seed;

(b) C1 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) C1 seed of a listed variety -

(i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State, and

(ii) complies with the requirements of paragraph (a)(ii) to (iv);

(d) C1 seed of a previously listed variety -

(i) that has been imported into the United Kingdom as not finally certified C1 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) C1 seed of a listed variety -

(i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country, and

(ii) that complies with the requirements of paragraph (a)(ii) to (iv);

(f) C1 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 C1 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,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the Secretary of State under regulation 13 to re-grade it as early movement C1 seed.

#### **EC officially certified early movement C1 seed of a listed variety**

**41.** In these Regulations "EC officially certified early movement C1 seed of a listed variety" means -

(a) C1 seed of a listed variety officially certified as early movement C1 seed by the competent seed certification authority in another member State, and

(b) C1 seed of a previously listed variety officially certified as early movement C1 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Officially certified C1 seed**

**42.** In these Regulations "officially certified C1 seed" means -

(a) UK officially certified C1 seed of a listed variety;

(b) EC officially certified C1 seed of a listed variety;

- (c) third country officially certified C1 seed of a listed variety;
- (d) overseas tested officially certified C1 seed of a listed variety;
- (e) UK officially certified early movement C1 seed of a listed variety; and
- (f) EC officially certified early movement C1 seed of a listed variety.

## **C2 seed**

**43.** In these Regulations, in relation to barley, durum wheat, oats, spelt wheat, triticale and wheat, other than a hybrid in each case, "C2 seed" means seed that -

- (a) has been produced directly from -
  - (i) officially certified basic seed;
  - (ii) officially certified C1 seed; or
  - (iii) with the breeder's written authority, from officially certified pre-basic seed, and
- (b) is intended for purposes other than the production of cereal seed.

## **UK officially certified C2 seed of a listed variety**

**44.** - (1) In these Regulations "UK officially certified C2 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 C2 seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as C2 seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to -

- (a) C2 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 C2 seed is to be produced;
  - (ii) that satisfies the conditions laid down in Parts II and IV of Schedule 4 for C2 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 C2 seed;
- (b) C2 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) C2 seed of a listed variety -
  - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);

(d) C2 seed of a previously listed variety -

- (i) that has been imported into the United Kingdom as not finally certified C2 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) C2 seed -

- (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State;
- (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,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the Secretary of State under regulation 13 to re-grade it as C2 seed.

**EC officially certified C2 seed of a listed variety**

45. In these Regulations "EC officially certified C2 seed of a listed variety" means -

- (a) C2 seed of a listed variety officially certified as C2 seed by the competent seed certification authority in another member State, and
- (b) C2 seed of a previously listed variety officially certified as C2 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

**Overseas tested officially certified C2 seed of a listed variety**

46. In these Regulations "overseas tested officially certified C2 seed of a listed variety" means C2 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 has been found to satisfy the relevant Directive crop conditions for C2 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 laboratory 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 C2 seed;

- (c) that was imported into the United Kingdom as C2 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
- (d) that is accompanied by -
  - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
  - (ii) the seed test report referred to in paragraph (b).

**UK officially certified early movement C2 seed of a listed variety**

47. - (1) In these Regulations "UK officially certified early movement C2 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 C2 seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as early movement C2 seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to -

- (a) C2 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 C2 seed is to be produced;
  - (ii) that, subject to sub-paragraph (iii), satisfies the conditions laid down in Parts II and IV of Schedule 4 for C2 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 C2 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 C2 seed;
- (b) C2 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) C2 seed of a listed variety -

- (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State, and
- (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and

(d) C2 seed of a previously listed variety -

- (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State;
- (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
- (iii) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the Secretary of State under regulation 13 to re-grade it as early movement C2 seed.

**EC officially certified early movement C2 seed of a listed variety**

**48.** In these Regulations "EC officially certified early movement C2 seed of a listed variety" means -

- (a) C2 seed of a listed variety officially certified as early movement C2 seed by or on behalf of the competent seed certification authority in another member State, and
- (b) C2 seed of a previously listed variety officially certified as early movement C2 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 C2 seed**

**49.** In these Regulations "officially certified C2 seed" means -

- (a) UK officially certified C2 seed of a listed variety;
- (b) EC officially certified C2 seed of a listed variety;
- (c) overseas tested officially certified C2 seed of a listed variety;
- (d) UK officially certified early movement C2 seed of a listed variety; and
- (e) EC officially certified early movement C2 seed of a listed variety.

### **Early multiplication**

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

- (a) the CS seed (in this paragraph called "the harvested CS seed") was harvested from a crop produced from pre-basic seed to which sub-paragraph (4) or (5) applies or basic seed to which sub-paragraph (6) or (7) applies, and
- (b) the variety of the harvested CS seed was not listed at the time when the pre-basic or basic seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.

(2) The requirement contained in paragraphs 35(a) (that C1 seed be produced directly from officially certified basic seed, or, with the breeder's written authority, from officially certified pre-basic seed) shall be treated as having been complied with in relation to C1 seed in a case where -

- (a) the C1 seed (in this paragraph called "the harvested C1 seed") was harvested from a crop produced from pre-basic seed to which sub-paragraph (4) applies or basic seed to which sub-paragraph (6) applies, and
- (b) the variety of the harvested C1 seed was not listed at the time when the pre-basic or basic seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.

(3) The requirement contained in paragraphs 43(a) (that C2 seed be produced directly from officially certified basic seed, officially certified C1 seed or, with the breeder's written authority, from officially certified pre-basic seed) shall be treated as having been complied with in relation to C2 seed in a case where -

- (a) the C2 seed (in this paragraph called "the harvested C2 seed") was harvested from a crop produced from pre-basic seed to which sub-paragraph (4) applies, basic seed to which sub-paragraph (6) applies or C1 seed to which sub-paragraph (8) applies, and
- (b) the variety of the harvested C2 seed was not listed at the time when the pre-basic, basic or C1 seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.

(4) This sub-paragraph applies to pre-basic seed -

- (a) that has been harvested from a crop -

- (i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in



Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced, or

(ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority in that State to satisfy the Directive crop conditions for basic seed,

(b) that -

(i) was found by an official UK seed test or a UK seed test carried out under official supervision to satisfy the conditions laid down in Part II of Schedule 4 for basic seed, or

(ii) was found by seed testing carried out by or on behalf of the competent seed certification authority or a licensed EC seed test station in another member State, to satisfy the Directive seed conditions for basic seed; and

(c) that was of the same variety as the harvested CS, C1 or C2 seed (as the case may be).

(5) This sub-paragraph applies to pre-basic seed of a component used in the production of a listed hybrid variety -

(a) that complied with the requirements of sub-paragraph (4)(a) and (b), and

(b) that was used as a component in the production of the harvested CS seed.

(6) This sub-paragraph applies to basic seed -

(a) that has been harvested from a crop -

(i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;

(ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority in that State to satisfy the Directive crop conditions for basic seed; or

(iii) 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 an official UK seed test or a UK seed test 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 a licensed EC seed testing station 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, C1 or C2 seed (as the case may be).

(7) This sub-paragraph applies to basic seed of a component of a hybrid variety -

(a) that complied with the requirements of sub-paragraph (6)(a) and (b), and

(b) that was a component of the harvested CS seed.

(8) This sub-paragraph applies to C1 seed -

(a) that has been harvested from a crop -

- (i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C1 seed is to be produced;
- (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority or a licensed EC crop inspector in that State to satisfy the Directive crop conditions for C1 seed; or
- (iii) produced in an equivalent third country and found by a field inspection of the crop carried out by the approved seed certification authority or a licensed third country crop inspector in that country to satisfy the Directive crop conditions for C1 seed;

(b) that -

- (i) was found by an official UK seed test or a UK seed test carried out under official supervision to satisfy the conditions laid down in Part II of Schedule 4 for C1 seed, or
- (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority or a licensed EC seed testing station in another member State to satisfy the Directive seed conditions for C1 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 C1 seed; and

(c) that was of the same variety as the harvested C2 seed.

## PART IV

### *Meaning of Expressions Relating to Imported Not Finally Certified Seed*

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

**51.** - (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 9(1) of the Cereal 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 V(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 that has not been withdrawn or finally determined has been made;

(c) a previously listed variety for which a marketing extension is in force;

(d) a component used in the production of a listed hybrid variety;

(e) a component used in the production of a listed 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 used in the production of a previously listed hybrid 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 name of the authority responsible for the field inspection of the crop and the name of the member State or their commonly used initials;

(b) the species of the seed, indicated at least in Roman characters under its botanical name, which may be given in abridged form and without the author's name;

(c) the variety of the seed, indicated at least in Roman characters;

(d) in the case of a component intended solely as a component to be used in the production of a listed hybrid variety, the word "component";

(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**

**52.** - (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 has been packed in a sealed package in accordance with the requirements of Article 9(1) of the Cereal 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 V(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 paragraphs 51(3).

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

**53.** - (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 certification 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 9(1) of the Cereal 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 V(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; and

(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 paragraphs 51(3).

**Not finally certified C1 seed harvested in another member State**

**54.** - (1) In these Regulations "not finally certified C1 seed harvested in another member State" means C1 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

(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 C1 seed;

(c) that has been packed in a sealed package in accordance with the requirements of Article 9(1) of the Cereal 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 V(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 C1 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; and
- (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 paragraphs 51(3).

**Not finally certified C2 seed harvested in another member State**

**55.** - (1) In these Regulations "not finally certified C2 seed harvested in another member State" means C2 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 or C1 seed, 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 C2 seed;
- (c) that has been packed in a sealed package in accordance with the requirements of Article 9(1) of the Cereal 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 V(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 C2 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; and
- (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 paragraphs 51(3).

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

**56.** - (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 certification 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 II.A of the Annex 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 II.A of the Annex 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 a Part 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.

**Not finally certified C1 seed harvested in an equivalent third country**

**57.** - (1) In these Regulations "not finally certified C1 seed harvested in an equivalent third country" means C1 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
  - (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 II.A of the Annex to the Third Country Equivalence Decision, to satisfy the Directive crop conditions for C1 seed;
- (c) that has been packed in a sealed package and labelled in accordance with the requirements specified in paragraph 2 of Part II.A of the Annex 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 a Part 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 C1 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

Regulations 2(1) and 5(1)

SPECIES OF SEED TO WHICH THESE REGULATIONS APPLY

1. Barley.

- 2. Durum wheat.
- 3. Maize.
- 4. Oats.
- 5. Rye.
- 6. Spelt wheat.
- 7. Triticale.
- 8. Wheat.

SCHEDULE 3

Regulations 2(1), 8(8), (9), (10),(11), (12), (13)(b), (15)(c), (18)(a), 10(3)(a) and (b), 10(4)(a), (b), (c), 11(15)(a), 13(4)(f), 14(1)(b), 16(2)(a) and (3)(a) and paragraphs 2(3)(a), 5(3)(a), 7(3)(a), 10(3)(a), 14(3)(a), 18(3)(a), 20(3)(a), 24(3)(a), 28(3)(a), 32(3)(a), 36(3)(a), 40(3)(a), 44(3)(a),47(3)(a), 50(4)(a), (6)(a) and (8)(a) of Schedule 1 and paragraphs 6,9 and 10(2) of Schedule 4

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 the species and variety of the crop and the field shall be sufficiently free from plants which are volunteers from previous cropping.
- 2. Subject to paragraph 3, in the case of maize, rye, other than a hybrid of rye, and a self-pollinating variety of triticale, the crop shall conform to the following standards as regards the minimum distances from neighbouring sources of pollen which may result in undesirable foreign pollination -

<i>Crop</i>	<i>Minimum distance</i>
<i>1</i>	<i>2</i>
(a) Maize, for the production of basic or CS seed	200 metres
(b) Rye (other than a hybrid) -	
(i) for the production of basic seed	300 metres
(ii) for the production of CS seed	250 metres
(c) Self-pollinating variety of triticale -	
(i) for the production of basic seed	50 metres
(ii) for the production of C1 and C2 seed	20 metres

- 3. Paragraph 2 shall not apply if there is sufficient protection from any undesirable foreign pollination.
- 4. In the case of barley, durum wheat, oats, spelt wheat and wheat, the crop shall conform to the following standards as regards the minimum species purity -

<i>Crops to produce</i>	<i>Minimum standard (percentage by number)</i>	<i>Higher Voluntary Standard (percentage by number)</i>
(a) Basic seed	No standard	99.99
(b) C1 seed	No standard	99.99

(c) C2 seed	No standard	99.99
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**5.** Subject to paragraphs 6 and 7, the crop shall have sufficient varietal identity and varietal purity.

**6.** In the case of an inbred line, the crop shall have sufficient identity and purity as regards its characteristics.

**7.** For the production of seed of a hybrid variety, the requirement for sufficient identity and purity shall also apply to the characteristics of the components including male sterility or fertility restoration.

**8.** In the case of rye, other than a hybrid, the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed -

(a) one per 30 square metres for the production of basic seed, and

(b) one per 10 square metres for the production of CS seed.

**9.** In the case of maize, the percentage by number of plants which are recognisable as obviously not being true to the variety, the inbred line or the component shall not exceed -

(a) for the production of basic seed -

(i) in the case of an inbred line; 0.1%;

(ii) in the case of each component of a simple hybrid; 0.1%; and

(iii) in the case of an open pollinated variety; 0.5%;

(b) for the production of CS seed -

(i) a component of a hybrid variety -

(aa) in the case of an inbred line; 0.2%;

(bb) in the case of a simple hybrid; 0.2%;

(cc) in the case of an open pollinated variety; 1%; and

(ii) in the case of an open pollinated variety, 1%.

**10.** - (1) In the case of the production of seed of a hybrid variety of maize -

(a) sufficient pollen shall be shed by the plants of the male component while the plants of the female component are in flower;

(b) where appropriate emasculation shall be carried out; and

(c) where 5% or more of the female component plants have receptive stigmas, the percentage of female component plants which have shed pollen or are shedding pollen shall not exceed -

(i) 1% at any official field inspection, and

(ii) 2% at the total of the official field inspections.

(2) For the purposes of sub-paragraph (1)(a) and (c) plants shall be considered as having shed pollen or to be shedding pollen where, on 50 mm or more of the central axis or laterals of a panicle, the anthers have emerged from their glumes and have shed or are shedding pollen.

**11.** - (1) The provisions of this paragraph apply to a hybrid of rye.

(2) Subject to paragraph (3), the crop shall conform to the following standards as regards distances from neighbouring sources of



pollen which may result in undesirable foreign pollination -

- (a) for the production of basic seed -
    - (i) where male sterility is used, a minimum distance of 1,000 metres, and
    - (ii) where male sterility is not used, a minimum distance of 600 metres, and
  - (b) for the production of CS seed, a minimum distance of 500 metres.
- (3) Sub-paragraph (2) shall not apply if there is sufficient protection from any undesirable foreign pollination.
- (4) The crop shall have sufficient identity and purity as regards the characteristics of the components, including male sterility.
- (5) The number of plants of the crop species which are recognisable as obviously not being true to the component shall not exceed -
- (a) in the case of a crop for the production of basic seed, one per 30 square metres, and
  - (b) subject to paragraph (6), in the case of a crop for the production of CS seed, 1 per 10 square metres.
- (6) In an official field inspection the standard in sub-paragraph (5)(b) shall apply to the female component only.
- (7) In the case of basic seed, where male sterility is used, the level of sterility of the male-sterile component shall be at least 98%.
- (8) Where appropriate, CS seed shall be produced in mixed cultivation of a female male-sterile component with a male component which restores male fertility.

**12.** - (1) The provisions of this paragraph apply to a crop to produce a hybrid of barley, durum wheat, oats, self-pollinating triticale, spelt wheat or wheat.

- (2) Subject to paragraph (3), the female component of the crop shall be at least 25 metres from a crop of any other variety of the same species except from a crop of the male component.
- (3) Paragraph (2) shall not apply if there is sufficient protection from any undesirable foreign pollination.
- (4) The crop shall have sufficient identity and purity as regards the characteristics of the components.
- (5) Where seed is produced using a chemical hybridisation agent, the crop shall conform to the following standards or other conditions -
- (a) the minimum varietal purity of each component shall be -
    - (i) in the case of barley, durum wheat, oats, spelt wheat or wheat, 99.7%, and
    - (ii) in the case of self-pollinating triticale, 99.0%, and
  - (b) the minimum hybridity shall be 95%.
- (6) In cases where the hybridity is determined during seed testing prior to certification, the determination of the hybridity during a field inspection need not be done.

**13.** The maximum number of wild oats per hectare shall be as follows -

Crops to produce	Level(where applicable)	Oats	Hybrid of oats	Barley	Hybrid of barley	Wheat, durum wheat and spelt wheat	Hybrid of wheat, durum wheat and spelt wheat	Rye and maize (including hybrids)	Triticale	Hybrid of self-pollinating triticale

Basic seed	HVS	Nil	Not applicable	7	Not applicable	7	Not applicable	Not applicable	Not applicable	Not applicable
	Minimum	Nil	Nil	7	7	7	7	7	7	7
CS seed	-	Not applicable	Nil	Not applicable	20	Not applicable	50	50	Not applicable	50
C1 seed	HVS	Nil	Not applicable	7	Not applicable	7	Not applicable	Not applicable	Not applicable	Not applicable
	Minimum	Nil	Not applicable	20	Not applicable	50	Not applicable	Not applicable	50	Not applicable
C2 seed	HVS	Nil	Not applicable	7	Not applicable	7	Not applicable	Not applicable	Not applicable	Not applicable
	Minimum	Nil	Not applicable	20	Not applicable	50	Not applicable	Not applicable	50	Not applicable

14. Harmful organisms which reduce the usefulness of the seed, in particular loose smut infection, shall be at the lowest possible level.
15. - (1) A crop from which basic seed is to be produced shall be examined by an official field inspection to determine whether the crop meets the conditions set out in this Schedule and in Part I of Schedule 4.
- (2) A crop from which CS, C1 or C2 seed is to be produced shall be examined by means of an official field inspection or an inspection carried out under official supervision to determine whether the crop meets the conditions set out in this Schedule and in Part I of Schedule 4.
- (3) Field inspections shall be carried out at a time when the condition and stage of development of the crop permit an adequate examination.
- (4) A crop from which HVS level basic, C1 or C2 seed is to be produced shall not be more than one third lodged at the time of inspection.
- (5) Subject to sub-paragraphs (6) and (7), at least one field inspection of the crop shall be carried out.
- (6) Subject to sub-paragraph (7), at least three field inspections shall be carried out in the case of an inbred line or hybrid of maize.
- (7) In the case of maize, where the crop to be examined follows a maize crop in either the preceding or current year, at least one special field inspection shall be carried out to check that the condition contained in paragraph 1 has been complied with.
16. 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, 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), 8(8)(a) and (b), (9), (10), (11), (12), (13)(b), (15)(c) and (18)(a), 10(3)(a) and (b), (4)(a), (b) and (c), 11 (6), (7), (8) (a), (9), (10), (11), (12), (13) and (15)(a), 13(3), (4) and (5)(f) and (g), 14(1)(b) and (c) and 16(2)(a) and (b) and (3)(a) and (b), paragraphs 2(3)(a), 5(3)(a) 7(3)(a), 10(3)(a), 14(3)(a), 18(3)(a), 20(3)(a), 24(3)(a), 28(3)(a), 32(3)(a), 36(3)(a), 40(3)(a), 44(3)(a), 47(3) (a), 50(4)(a), (6)(a) and (8)(a) of Schedule 1, paragraph15 (1) of Schedule 3 and Schedule 8

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.
2. The seed of an in-bred line shall have sufficient identity and purity as regards its characteristics.

3. In the case of seed of a hybrid variety, the requirement for sufficient identity and purity shall also apply to the characteristics of the components.

4. In the case of barley, durum wheat, oats, spelt wheat and wheat, other than a hybrid in each case, the minimum varietal purity shall conform to the following standards -

Category	Minimum standard	Higher Voluntary Standard
(a) Basic seed	99.9	99.95
(b) C1 seed	99.7	99.9
(c) C2 seed	99.0	99.7

5. In the case of a self-pollinating variety of triticale, other than a hybrid, the minimum varietal purity shall be -

- (a) 99.7% in the case of basic seed;
- (b) 99.0% in the case of C1 seed; and
- (c) 98.0% in the case of C2 seed.

6. For the purposes of paragraphs 4 and 5, the minimum varietal purity of seed shall be examined mainly in field inspections carried out in accordance with the conditions laid down in paragraph 15 of Schedule 3.

7. - (1) Subject to sub-paragraph (2), in the case of a hybrid of barley, durum wheat, oats, self-pollinating triticale, spelt wheat and wheat, the minimum varietal purity shall be 90% in the case of CS seed.

(2) For the purposes of sub-paragraph (1), the minimum varietal purity of seed shall be examined mainly in official post control tests on an appropriate proportion of samples.

8. Where a female male-sterile component and a male component which does not restore male fertility are used for the production of CS seed of a hybrid variety of maize, the seed shall be produced -

- (a) by blending seed lots in a proportion appropriate to the variety where, on the one hand a female male-sterile component has been used and, on the other, a female male-fertile component has been used, or
- (b) by growing the female male-sterile component and the female male-fertile component in a proportion appropriate to the variety.

9. In the case of seed produced in the manner specified in paragraph 8(b) the proportion of the female male-sterile and female male-fertile components shall be examined in field inspections carried out in accordance with the conditions laid down in paragraph 15 of Schedule 3.

10. - (1) Subject to sub-paragraphs (3) and (4), in the case of barley, durum wheat, spelt wheat and wheat, the maximum percentage by number of loose smut infection shall be as follows -

Category	Minimum standard (maximum percentage by number)	Higher Voluntary Standard (maximum percentage by number)
(a) Basic seed	0.5	0.1
(b) C1 seed	0.5	0.2
(c) C2 seed	0.5	0.2

- (2) For the purposes of sub-paragraph (1), the incidence of loose smut infection of seed shall be examined mainly in field inspections carried out in accordance with the conditions laid down in paragraph 15 of Schedule 3.
- (3) The provisions of sub-paragraph (1) shall not apply to seed which has failed to meet the standards laid down in that sub-paragraph if it has been adequately treated by any product approved by the Secretary of State for the control of loose smut under the Control of Pesticides Regulations 1986[29].
- (4) The provisions of sub-paragraph (1) shall not apply to seed which has failed to meet the standards laid down in that sub-paragraph (1) if an embryo test carried out by an official testing station or a licensed seed testing station on the sample submitted for seed testing shows that the seed meets the relevant standard.

PART II

Conditions to be examined by Seed Testing

11. The seed shall conform to the following standards or other conditions as regards analytical purity -

Species and category	Level (where applicable)	Minimum analytical purity (% by weight)
I	2	3
Basic seed of barley, durum wheat, oats, spelt wheat and wheat	HVS	99
	Minimum	99
CS seed of hybrids of barley, durum wheat, oats, spelt wheat and wheat	-	98
C1 seed of barley, durum wheat, oats, spelt wheat and wheat	HVS	99
	Minimum	98
C2 seed of barley, durum wheat, oats, spelt wheat and wheat	HVS	99
	Minimum	98
Basic and CS seed of rye	-	98
Basic, CS, C1 and C2 seed of triticale and CS seed of hybrids of self-pollinating triticale	-	98
Basic and CS seed of maize	-	98

12. - (1) The seed shall conform to the following standards or other conditions as regards the content of seeds of other plant species -

Species and category	Level (where applicable)	Maximum content by number of seeds of other plants species in a sample of the weight specified in column 6 of the table in Schedule 7					
		All other plant species (including seeds of the species specified in columns 4 to 8)	Other cereal species	All plant species other than cereals	Wild oats or darnel	Wild radish or corn cockle (except in HVS level seed)	Wild radish, corn cockle, sterile brome or couch in HVS level seed
I	2	3	4	5	6	7	8
Basic seed of components of hybrid varieties of barley, durum wheat, oats, spelt wheat and wheat	-	4	1(a)	3	0(b)	1	Not applicable
Basic seed of barley, durum	HVS	1	0	1	0	Not	0(c)

wheat, oats, spelt wheat and wheat other than components of hybrid varieties						applicable	
	Minimum	4	1(a)	3	0(b)	1	Not applicable
CS seed of hybrids of barley, durum wheat, oats, spelt wheat and wheat	-	10	7	7	0(b)	3	Not applicable
C1 seed of barley, durum wheat, oats, spelt wheat and wheat	HVS	2	1	1	0	Not applicable	1
	Minimum	10	7	7	0(b)	3	Not applicable
C2 seed of barley, durum wheat, oats, spelt wheat and wheat	HVS	4	3	2	0	Not applicable	1
	Minimum	10	7	7	0(b)	3	Not applicable
Basic seed of rye	-	4	1(a)	3	0(b)	1	Not applicable
CS seed of rye	-	10	7	7	0(b)	3	Not applicable
Basic seed of triticale	-	4	1(a)	3	0(b)	1	Not applicable
CS seed of hybrids and self-pollinating triticale and C1 and C2 seed of triticale	-	10	7	7	0(b)	3	Not applicable
Basic and CS seed of maize	-	0	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

(a) As regards seeds of other cereal species, a second seed shall not be regarded as an impurity if a second sample of the same weight is free from any seeds of other cereal species.

(b) The presence of one seed of wild oats or darnel in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seed of either of these species.

(c) In basic seed, the nil standard shall apply only in respect of wild radish and corn cockle.

(2) In the table set out in paragraph (1) -

"corn cockle" means plants of the species *Agrostemma githago*;

"couch" means plants of the species *Agropyron repens*;

"darnel" means plants of the species *Lolium temulentum*;

"sterile brome" means plants of the species *Bromus sterilis*; and

"wild radish" means plants of the species *Raphanus raphanistrum*.

13. - (1) Subject to sub-paragraph (2), it shall be determined, by way of a germination test, whether the seed attains the percentage of germination specified in column 2 of the following table for the appropriate category of seed -

Species	Minumum germination (% of pure seed, expressed as an integer)
1	2
(a) Basic, CS, C1 and C2 seed of -	85

(i) barley	
(ii) durum wheat	
(iii) oats (other than CS, C1 and C2 seed of oats officially classified as being of a naked oat type)	
(iv) spelt wheat	
(v) wheat	
(b) CS, C1 and C2 seed of oats officially classified as being of a naked oat type	75
(c) Basic and CS seed of maize	90
(d) Basic and CS seed of rye	85
(e) Basic, CS, C1 and C2 seed of triticale	80

(2) Sub-paragraph (1) shall not apply to seed that has been subjected to a tetrazolium test carried out at an official testing station or a licensed seed testing station to establish the viability of the seed unless the result of the test casts doubt on whether it will satisfy the applicable germination standard set out in column 2 of the table set out in sub-paragraph (1).

14. Sclerotia, or fragments of sclerotia, of ergot, shall not exceed the following in a sample of the weight specified in column 4 of Schedule 7, other than a sample of a hybrid of rye -

Category	Level (where applicable)	Sclerotia or fragments of sclerotia
(a) Basic seed	(i) HVS level	0
	(ii) Minimum level	1
(b) CS seed	Not applicable	3
(c) C1 and C2 seed	(i) HVS level	1
	(ii) minimum level	3

15. - (1) In a sample of a hybrid of rye of a weight specified in column 4 of Schedule 7 sclerotia or fragments of sclerotia of ergot shall not exceed -

- (a) 1 in the case of basic seed, and
- (b) subject to sub-paragraph (2) below, 4 in the case of CS seed.

(2) Notwithstanding the provisions of sub-paragraph (1)(b), the presence of 5 sclerotia or fragments of sclerotia of ergot in a sample shall be deemed to be in conformity with the requirements of sub-paragraph (1) where a second sample of the same weight contains not more than 4 sclerotia or fragments of sclerotia.

16. - (1) Subject to paragraph (2), the maximum moisture content of the seed shall not exceed 17% by weight.

(2) A licensed seed testing station to which a regulation 11 application for the testing of an official sample of seed has been made (or the Secretary of State in a case where regulation 11(3) or (4) applies), may decide not to carry out a moisture test to determine whether the condition in paragraph (1) has been complied with if -

- (a) the official sample of the seed to be tested has already been subjected to a moisture test carried out by the licensed seed

sampler who drew the official sample, and

(b) the results of that test indicate that the maximum moisture content of the seed does not exceed 17% by weight.

PART III

*Conditions to be Examined Mainly by Inspections of Control Plots*

17. - (1) In the case of a hybrid of barley, durum wheat, oats, spelt wheat, wheat and self-pollinating triticale, the minimum varietal purity shall be 90% in the case of CS seed.

(2) For the purposes of sub-paragraph (1), the minimum varietal purity of seed shall be examined on an appropriate proportion of samples.

18. Seed of a hybrid of rye shall not be certified as CS seed unless due account has been taken of the results of an official post-control test on samples of basic seed taken officially and carried out during the growing season of the seed entered for certification as CS seed to ascertain whether the basic seed met the requirements for basic seed laid down in these Regulations in respect of identity and purity as regards the characters of the components, including male sterility.

PART IV

*Other Conditions*

19. Subject to paragraphs 10, 14 and 15, harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level that can be achieved.

PART V

*General Provisions*

20. 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

Regulations 13(1)

RE-GRADING OF SEED

Column (1)	Column (2)
1.	
(a) UK, EC or overseas tested officially certified pre-basic seed of a listed variety	(a) UK officially certified pre-basic seed of a listed variety
(b) UK, EC, third country or overseas tested officially certified basic seed of a listed variety	(b) UK officially certified basic seed of a listed variety
(c) in the case of barley, durum wheat, oats, spelt wheat and wheat, HVS level UK officially certified basic seed of a listed variety	(c) in the case of barley, durum wheat, oats, spelt wheat and wheat, HVS level UK officially certified basic seed of a listed variety
(d) in the case of maize or rye, UK, EC, third country or overseas	(d) in the case of maize and rye, UK officially certified CS

tested officially certified CS seed of a listed variety	seed of a listed variety
(e) in the case of barley, durum wheat, oats, spelt wheat and wheat, HVS level UK officially certified C1 seed of a listed variety	(e) in the case of barley, durum wheat, oats, spelt wheat and wheat, HVS level UK officially certified C1 seed of a listed variety
(f) in the case of barley, durum wheat, oats, spelt wheat, triticale and wheat, UK, EC, third country or overseas tested officially certified C1 seed of a listed variety	(f) in the case of barley, durum wheat, oats, spelt wheat, triticale, and wheat, UK officially certified C1 seed of a listed variety
(g) in the case of barley, durum wheat, oats, spelt wheat and wheat, HVS level UK officially certified C2 seed of a listed variety	(g) in the case of barley, durum wheat, oats, spelt wheat and wheat, HVS level UK officially certified C2 seed of a listed variety
(h) in the case of barley, durum wheat, oats, spelt wheat, triticale and wheat, UK, EC or overseas tested officially certified C2 seed of a listed variety	(h) in the case of barley, durum wheat, oats, spelt wheat, triticale and wheat, UK officially certified C2 seed of a listed variety
2.	
(a) UK and EC officially certified early movement pre-basic seed of a listed variety	(a) UK officially certified early movement pre-basic seed of a listed variety
(b) UK and EC officially certified early movement basic seed of a listed variety	(b) UK officially certified early movement basic seed of a listed variety
(c) in the case of barley, durum wheat, oats, spelt wheat and wheat, HVS level UK officially certified early movement basic seed of a listed variety	(c) in the case of barley, durum wheat, oats, spelt wheat and wheat, HVS level UK officially certified early movement basic seed of a listed variety
(d) in the case of maize or rye, UK and EC officially certified early movement CS seed of a listed variety	(d) in the case of maize and rye, UK officially certified early movement CS seed of a listed variety
(e) in the case of barley, durum wheat, oats, spelt wheat and wheat, UK HVS level officially certified early movement C1 seed of a listed variety	(e) in the case of barley, durum wheat, oats, spelt wheat and wheat, UK officially certified early movement HVS level C1 seed of a listed variety
(f) in the case of barley, durum wheat, oats, spelt wheat, triticale and wheat, UK and EC officially certified early movement C1 seed of a listed variety	(f) in the case of barley, durum wheat, oats, spelt wheat, triticale, and wheat, UK officially certified early movement C1 seed of a listed variety
(g) in the case of barley, durum wheat, oats, spelt wheat and wheat, UK HVS level officially certified early movement C2 seed of a listed variety	(g) in the case of barley, durum wheat, oats, spelt wheat and wheat, UK officially certified early movement HVS level C2 seed of a listed variety
(h) in the case of barley, durum wheat, oats, spelt wheat, triticale and wheat, UK and EC officially certified early movement C2 seed of a listed variety	(h) in the case of barley, durum wheat, oats, spelt wheat, triticale and wheat, UK officially certified early movement C2 seed of a listed variety
3.	
(a) UK, EC or overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety	(a) UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety
(b) UK, EC, third country or overseas tested officially certified basic seed of a component of a listed hybrid variety	(b) UK officially certified basic seed of a component of a listed hybrid variety



4.	
(a) UK or EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety	(a) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety
(b) UK or EC officially certified early movement basic seed of a component of a listed hybrid variety	(b) UK officially certified early movement basic seed of a component of a listed hybrid variety

SCHEDULE 6

Regulations 15(1) and 27(17)

CATEGORIES OF SEED THAT MAY BE MARKETED

**Breeders seed**

- 1. Breeders 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.

**C1 seed of a listed variety**

- 13. UK officially certified C1 seed of a listed variety.
- 14. EC officially certified C1 seed of a listed variety.
- 15. Third country officially certified C1 seed of a listed variety.
- 16. Overseas tested officially certified C1 seed of a listed variety.

**C2 seed of a listed variety**

- 17. UK officially certified C2 seed of a listed variety.
- 18. EC officially certified C2 seed of a listed variety.
- 19. Overseas tested officially certified C2 seed of a listed variety.

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

- 20. UK officially certified early movement pre-basic seed of a listed variety.

21. EC officially certified early movement pre-basic seed of a listed variety.

Early movement basic seed of a listed variety

22. UK officially certified early movement basic seed of a listed variety.
23. EC officially certified early movement basic seed of a listed variety.

Early movement CS seed of a listed variety

24. UK officially certified early movement CS seed of a listed variety.
25. EC officially certified early movement CS seed of a listed variety.

Early movement C1 seed of a listed variety

26. UK officially certified early movement C1 seed of a listed variety.
27. EC officially certified early movement C1 seed of a listed variety.

Early movement C2 seed of a listed variety

28. UK officially certified early movement C2 seed of a listed variety.
29. EC officially certified early movement C2 seed of a listed variety.

Pre-basic seed of a component used in the production of a listed hybrid variety

30. UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety.
31. EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety.
32. Overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety.

Basic seed of a component of a listed hybrid variety

33. UK officially certified basic seed of a component of a listed hybrid variety.
34. EC officially certified basic seed of a component of a listed hybrid variety.
35. Third country officially certified basic seed of a component of a listed hybrid variety.
36. Overseas tested officially certified basic seed of a component of a listed hybrid variety.

Early movement pre-basic seed of a component used in the production of a listed hybrid variety

37. UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.
38. EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.

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

39. UK officially certified early movement basic seed of a component of a listed hybrid variety.
40. EC officially certified early movement basic seed of a component of a listed hybrid variety.

SCHEDULE 7

Regulations 2(1), 23(3),(4) and (5) and 27(6)

LOT AND SAMPLE WEIGHTS

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Species	Level	Maximum weight of a lot	Minimum weight of a sample to be drawn from a lot	Minimum weight of a sample for a moisture test	Weight of the sample for determinations by number in accordance with paragraph 12 of Schedule 4
		(tonnes)	(grams)	(grams)	(grams)
Barley, durum wheat, oats, rye, spelt wheat,	Minimum	25	1,000	100	500

triticale and wheat					
Barley, durum wheat, oats, rye, spelt wheat, triticale and wheat	HVS	25	1,000	100	1,000
Maize, basic seed of inbred lines	Not applicable	40	250	100	250
Maize, basic seed other than of inbred lines, CS seed	Not applicable	40	1,000	100	1,000
A mixture of seeds to which regulation 22 applies	Not applicable	25	Not applicable	Not applicable	Not applicable

SCHEDULE 8

Regulation 26(4), (5), (6)(a), (7)(a), (8)(a), (9)(a), (10)(a), (11)(a)(ii) and (13)(a) and (b)

LABELLING

PART I

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

**Particulars to be marked or displayed on the sale of unpackaged seed other than a mixture of seeds**

1. The following particulars shall be given -

- (a) "complies with legal standards";
- (b) the species;
- (c) the variety;
- (d) in the case of a variety which is a hybrid, the word "hybrid"; and
- (e) in the case of C1 and C2 seed of oats officially classified as being of a naked oat type, the words "minimum germination capacity 75%".

**Particulars to be marked or displayed on the sale of an unpackaged mixture of seeds**

2. The following particulars shall be given -

- (a) "complies with legal standards"; and
- (b) the proprietary name of the mixture or the species and variety, and the proportion by weight, of the components in the mixture.

PART II

*Labelling of packages of breeder's seed*

3. The package 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 his registered number;
- (b) the reference number of the lot;
- (c) the species;
- (d) the variety;
- (e) the words "breeder's seed"; and
- (f) the declared net or gross weight or declared number of seeds.

4. The label referred to in paragraph 3 shall be coloured buff.

PART III

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

**Official label for a package of officially certified pre-basic seed**

5. The package 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 under its botanical name, which may be given in abridged form and without the author's name in Roman characters;
- (e) the variety, indicated at least in Roman characters;
- (f) the description "pre-basic seed";
- (g) the number of generations by which the seed precedes CS seed or C1 seed;
- (h) the country of production;
- (i) the declared net or gross weight or declared number of seeds; and
- (j) 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.

6. The label referred to in paragraph 5 shall be coloured white with a diagonal violet line.

7. The minimum size of the label referred to in paragraph 5 shall be 110 mm x 67 mm.

8. The label referred to in paragraph 5 -

- (a) shall be -
  - (i) an adhesive label, or
  - (ii) a label secured to the package by a sealing device approved by the Secretary of State, the Scottish Ministers, the

National Assembly for Wales 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, CS, C1 and C2 seed*

**Official label for a package of officially certified basic, CS, C1 or C2 seed**

9. The package 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 under its botanical name, which may be given in abridged form and without the author's name in Roman characters;
- (f) the variety, indicated at least in Roman characters;
- (g) in the case of a variety which is a hybrid or an inbred line -
  - (i) for basic seed where the hybrid or inbred line to which the seed belongs has been officially accepted on a National List or the Common Catalogue, the name under which it has been officially accepted, with or without a reference to the final variety, accompanied, in the case of a hybrid or inbred line which is intended solely as a component for a final variety, by the word "component";
  - (ii) for basic seed in other cases, the name of the component to which the basic seed belongs, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its function (male or female) and accompanied by the word "component"; and
  - (iii) for CS seed, the name of the variety to which the seed belongs, accompanied by the word "hybrid";
- (h) the category;
- (i) the country of production;
- (j) the declared net or gross weight or declared number of seeds;
- (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;
- (l) in the case of C1 and C2 seed of oats officially classified as being of a naked oat type, the words "minimum germination capacity 75%".

**10.** Where at least germination 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 9 or on an official sticker attached to the official label.

**11.** The minimum size of the label referred to in paragraph 9 shall be 110 mm x 67 mm.

**12.** The label referred to in paragraph 9 shall be coloured -

- (a) white for basic seed;
- (b) blue for CS and C1 seed; and
- (c) red for C2 seed.

**13.** The label referred to in paragraph 9 -

(a) shall be -

(i) an adhesive label, or

(ii) a label secured to the package by a sealing device approved by the Secretary of State, the Scottish Ministers, the National Assembly for Wales 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 package of officially certified pre-basic, basic, CS, C1 or C2 seed**

**14.** The package shall be labelled not later than the time of sealing -

(a) on the outside;

(b) subject to paragraph 15, with a supplier's label containing the following particulars -

(i) "EC rules and standards";

(ii) the name and address of the supplier responsible for marking or his registration number;

(iii) the reference number of the lot;

(iv) the species, indicated at least in Roman characters;

(v) the variety, indicated at least in Roman characters;

(vi) the category;

(vii) declared net weight or declared number of seeds;

(viii) for hybrid varieties of maize, the word "hybrid"; and

(ix) in the case of C1 and C2 seed of oats officially classified as being of a naked oat type, the words "minimum germination capacity 75%".

**15.** The label referred to in paragraph 14(b) shall not be required if the information specified in paragraph 14(b)(i) to (ix) is printed indelibly on the outside of the package.

**16.** The label referred to in paragraph 14(b) shall be coloured -

- (a) white with a diagonal violet line for pre-basic seed;
- (b) white for basic seed;
- (c) blue for CS or C1 seed; and
- (d) red for C2 seed.

## PART V

### *Labelling of packages of mixtures of seed*

#### **Official label for a package of a mixture of seeds**

**17.** The package 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 "Mixture of" followed by the species and varieties;
- (b) the name of the authority responsible for sealing the package and the member State or their commonly used initials;
- (c) the reference number of the lot;
- (d) the word "sealed" followed by the month and year of sealing;
- (e) the species, variety, category, country of production and proportion by weight of each of the components, which, in the case of the name of the species and of the varieties, shall be indicated at least in Roman characters;
- (f) the declared net or gross weight or declared number of seeds; and
- (g) 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 the pure seeds and the total weight.

**18.** Where at least germination of all the components of a mixture have been retested, the words "retested" followed by the month and year of retesting and the service responsible for such retesting may be indicated on the official label referred to in paragraph 17 or on an official sticker attached to the official label.

**19.** The minimum size of the label referred to in paragraph 17 shall be 110 mm x 67 mm.

**20.** The label referred to in paragraph 17 shall be coloured green.

**21.** The label referred to in paragraph 17 -

- (a) shall be -
  - (i) an adhesive label, or
  - (ii) a label secured to the package by a sealing device approved by the Secretary of State, the Scottish Ministers, the National Assembly for Wales 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 package of a mixture of seeds**

**22.** The package shall be labelled not later than the time of sealing -

- (a) on the outside;
- (b) subject to paragraph 23, with a supplier's label containing the following particulars -
  - (i) the words "Mixture of" followed by the species and varieties;
  - (ii) the name and address of the supplier responsible for marking or his registration number or identification mark;
  - (iii) the reference number of the seed lot;
  - (iv) the species and varieties indicated at least in Roman characters or the proprietary name of the mixture; and
  - (v) declared net weight or declared number of seeds.

23. The label referred to in paragraph 22(b) shall not be required if the information specified in paragraph 22(b)(i) to (v) is printed indelibly on the outside of the package.

24. The label referred to in paragraph 22(b) shall be coloured green.

PART VI

*Printing of specified matters on packages (whole bag labelling)*

**Seed which has not been imported**

25. The printing or stamping of the packages shall be under the supervision of the Secretary of State.
26. Each package shall have printed or stamped on it, or be perforated with, an individual serial number allocated by the Secretary of State, which shall appear in the same panel as the particulars of the matters specified in paragraph 9.
27. Arrangements shall be made with the printers for returns to be made to the Secretary of State of the number of packages printed or stamped pursuant to regulation 26(13) and of the individual serial numbers of such packages.
28. The reference number of the seed lot and the month and year in which the package was officially sealed shall be printed or stamped under the supervision of an authorised officer or a licensed seed sampler at the time of sampling for official examination.
29. There shall be kept such records of seed packaged and marketed pursuant to regulation 26(13) as may be required by the Secretary of State.
30. Each package of seed marketed in accordance with regulation 26(13) shall be capable of having affixed to it, in a manner approved by the Secretary of State, a label containing a statement pursuant to regulation 17.

**Seed imported from another Member State**

31. Such requirements of the member State from which the seed has been imported as correspond to the requirements specified in this Part for seed which has not been imported shall, in the opinion of the Secretary of State, have been satisfied.

SCHEDULE 9

Regulation 27(2)

LIMITS OF VARIATION

**GERMINATION**

<i>Stated minimum percentage of germination (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
65-68	10

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 number of seeds of other species (expressed as an integer)</i>	<i>Limit of variation number</i>
0	1
1	3
2	4
3 and 4	5
5 and 6	6
7 and 8	7
9 to 11	8
12 to 14	9
15 to 17	10
18 to 20	11

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>
the Act	Regulation 2(1)
Annex V(C) document	Regulation 2(1)
another member State	Regulation 2(1)
appropriate time	Regulation 6(4)
approved seed certification authority	Regulation 2(1)
approved species	Regulation 2(1)
authorised officer	Regulation 2(1)
barley	Regulation 3
basic seed	Paragraph 13 of Schedule 1
blended seed lot	Regulation 2(1)
breeder	Regulation 2(1)
breeder's seed	Regulation 2(1)
C1 seed	Paragraph 35 of Schedule 1
C2 seed	Paragraph 43 of Schedule 1
Cereal Seed Directive	Regulation 2(1)
CS seed	Paragraph 27 of Schedule 1
Common Catalogue	Regulation 2(1)
Common Catalogue Directive	Regulation 2(1)
component	Regulation 2(1)
control plot	Regulation 2(1)
corn cockle	Paragraph 12(2) of Schedule 4
couch	Paragraph 12(2) of Schedule 4
darnel	Paragraph 12(2) of Schedule 4
Department of Agriculture and Rural Development	Regulation 2(1)
Directive crop conditions	Regulation 2(1)
Directive seed conditions	Regulation 2(1)
durum wheat	Regulation 3
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 21 of Schedule 1
EC officially certified basic seed of a listed variety	Paragraph 15 of Schedule 1
EC officially certified C1 seed of a listed variety	Paragraph 37 of Schedule 1
EC officially certified C2 seed of a listed variety	Paragraph 45 of Schedule 1
EC officially certified CS seed of a listed variety	Paragraph 29 of Schedule 1
EC officially certified early movement basic seed of a component of a listed hybrid variety	Paragraph 25 of Schedule 1
EC officially certified early movement basic seed of a listed variety	Paragraph 19 of Schedule 1

EC officially certified early movement C1 seed of a listed variety	Paragraph 41 of Schedule 1
EC officially certified early movement C2 seed of a listed variety	Paragraph 48 of Schedule 1
EC officially certified early movement CS seed of a listed variety	Paragraph 33 of Schedule 1
EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety	Paragraph 11 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 component used in the production of a listed hybrid variety	Paragraph 8 of Schedule 1
EC officially certified pre-basic seed of a listed variety	Paragraph 3 of Schedule 1
entered seed lot	Regulation 2(1)
ergot	Regulation 2(1)
equivalent third country	Regulation 2(1)
final seed test report	Regulation 12(6)
genetically modified	Regulation 2(1)
germination condition	Regulation 2(1)
Higher Voluntary Standards	Regulation 2(1)
homogeneous seed lot	Regulation 2(1)
HVS level basic seed	Regulation 2(1)
HVS level C1 seed	Regulation 2(1)
HVS level C2 seed	Regulation 2(1)
inbred line	Regulation 2(2)
intervarietal hybrid	Regulation 2(2)
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)
loose smut infection	Regulation 2(1)
maintainer	Regulation 2(1)
maize	Regulation 3
marketing	Regulation 4
marketing extension	Regulation 2(1)
member State	Regulation 2(1)
minimum level basic seed	Regulation 2(1)
minimum level C1 seed	Regulation 2(1)

minimum level C2 seed	Regulation 2(1)
a National List	Regulation 2(1)
not finally certified basic seed harvested in another member State	Paragraph 52 of Schedule 1
not finally certified C1 seed harvested in an equivalent third country	Paragraph 57 of Schedule 1
not finally certified CS seed harvested in an equivalent third country	Paragraph 56 of Schedule 1
not finally certified C1 seed harvested in another member State	Paragraph 54 of Schedule 1
not finally certified C2 seed harvested in another member State	Paragraph 55 of Schedule 1
not finally certified CS seed harvested in another member State	Paragraph 53 of Schedule 1
not finally certified pre-basic seed harvested in another member State	Paragraph 51 of Schedule 1
oats	Regulation 3
OECD	Regulation 2(1)
OECD Cereal Seed Scheme	Regulation 2(1)
OECD Certificate	Regulation 2(1)
OECD Decision	Regulation 2(1)
OECD List	Regulation 2(1)
OECD Maize and Sorghum Seed Scheme	Regulation 2(1)
official label	Regulation 2(1)
officially certified basic seed	Paragraph 26 of Schedule 1
officially certified C1 seed	Paragraph 42 of Schedule 1
officially certified C2 seed	Paragraph 49 of Schedule 1
officially certified CS seed	Paragraph 34 of Schedule 1
officially certified pre-basic seed	Paragraph 12 of Schedule 1
official measures	Regulation 2(1)
official sample	Regulation 2(1)
official UK field inspection	Regulation 2(1)
official UK seed test	Regulation 2(1)
open pollinated variety	Regulation 2(2)
overseas tested officially certified basic seed of a component of a listed hybrid variety	Paragraph 23 of Schedule 1
overseas tested officially certified basic seed of a listed variety	Paragraph 17 of Schedule 1
overseas tested officially certified C1 seed of a listed variety	Paragraph 39 of Schedule 1
overseas tested officially certified C2 seed of a listed variety	Paragraph 46 of Schedule 1
overseas tested officially certified CS seed of a listed variety	Paragraph 31 of Schedule 1
overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety	Paragraph 9 of Schedule 1
overseas tested officially certified pre-basic seed of a listed variety	Paragraph 4 of Schedule 1
Part II.A(3) official certificate	Regulation 2(1)
pre-basic seed	Paragraph 1 of Schedule 1
previously listed variety	Regulation 2(1)
qualifying seed lot	Regulation 11(15)
qualifying seed test report	Regulation 6(4)

registered person	Regulation 2(1)
regulation 19 authorisation	Regulation 2(1)
regulation 20 authorisation	Regulation 2(1)
rye	Regulation 3
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 8(18)
simple hybrid	Regulation 2(2)
small package	Regulation 2(1)
spelt wheat	Regulation 3
sterile brome	Paragraph 12(2) of Schedule 4
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 22 of Schedule 1
third country officially certified basic seed of a listed variety	Paragraph 16 of Schedule 1
third country officially certified C1 seed of a listed variety	Paragraph 38 of Schedule 1
third country officially certified CS seed of a listed variety	Paragraph 30 of Schedule 1
top cross hybrid	Regulation 2(2)
triple cross hybrid	Regulation 2(2)
triticale	Regulation 3
UK field inspection carried out under official supervision	Regulation 2(1)
UK officially certified basic seed of a listed variety	Paragraph 14 of Schedule 1
UK officially certified basic seed of a component of a listed hybrid variety	Paragraph 20 of Schedule 1
UK officially certified C1 seed of a listed variety	Paragraph 36 of Schedule 1
UK officially certified C2 seed of a listed variety	Paragraph 44 of Schedule 1
UK officially certified CS seed of a listed variety	Paragraph 28 of Schedule 1
UK officially certified early movement basic seed of a component of a listed hybrid variety	Paragraph 24 of Schedule 1
UK officially certified early movement basic seed of a listed variety	Paragraph 18 of Schedule 1
UK officially certified early movement C1 seed of a listed variety	Paragraph 40 of Schedule 1
UK officially certified early movement C2 seed of a listed variety	Paragraph 47 of Schedule 1
UK officially certified early movement CS seed of a listed variety	Paragraph 32 of Schedule 1
UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety	Paragraph 10 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 component used in the production of a listed hybrid variety	Paragraph 7 of Schedule 1
UK officially certified pre-basic seed of a listed variety	Paragraph 2 of Schedule 1
a UK seed test carried out under official supervision	Regulation 2(1)

unlisted variety	Regulation 2(1)
wheat	Regulation 3
whenever carried out	Regulation 2(1)
wild oats	Regulation 3
wild radish	Paragraph 12(2) of Schedule 4
writing	Regulation 2(4)

EXPLANATORY NOTE

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

These Regulations apply in England and come into force on 31st January 2003. They revoke and replace, with modifications, the Cereal Seeds Regulation 1993 (S.I. 1993/2005) insofar as they apply to England. They also revoke the Cereal Seeds (Amendment) Regulations 1995 (S.I. 1995/1482), the Seeds (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/616) and the Cereal Seeds (Amendment) Regulations 1999 (S.I. 1999/1860) insofar as they apply to England and the Cereal Seeds (Amendment) (England) Regulations 1999 (S.I. 1999/2196) and the Cereal Seeds (Amendment)(England) Regulations 2000 (S.I. 2000/1793), all of which amended the 1993 Regulations.

The 1993 Regulations implemented the provisions of Council Directive 66/402/EEC on the marketing of cereal seed (O.J. No. L125, 11.7.66, p. 2309 OJ/SE 1965-66, p. 143). These Regulations continue to implement the provisions of that Directive as last amended by Council Directive 2001/64/EC (O.J. No. L234, 1.9.2001, p. 60.).

The Regulations apply to the certification and marketing of cereal seed of the species specified in Schedule 2 to these Regulations (regulation 5). They do not apply to seed harvested on or before 31st December 2002 until 1st July 2003 (regulation 33).

The Regulations include provisions that lay down the procedures relating to the certification of cereal seed in England (Part II), including provisions relating to the entry of seed lots (regulation 6), the entry of crops (regulation 7), the field inspection of crops (regulation 8), the lodging of field inspection reports and similar documents (regulation 9), the re-grading of crops (regulation 10), seed testing (regulation 11), the lodging of seed test reports (regulation 12), the re-grading of seed (regulation 13) and the withdrawal of official certification (regulation 14).

The Regulations include provisions that prohibit the marketing of cereal seed in England except for seed that falls into one of the categories listed in Schedule 6 (regulation 15). 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 19) or for the purpose of tests and trials (regulation 20) or is authorised by a general licence made under regulation 21.

The Regulations lay down requirements relating to the sampling (regulation 23) and packaging (regulation 24) of seed and the sealing (regulation 25) and labelling of packages (regulation 26) of seed.

The Regulations enable the Secretary of State to make arrangements for any person to act under her responsibility in carrying out official measures (regulation 28) and include provisions relating to the charging of fees (regulation 29).

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

A Regulatory Impact Assessment and a Transposition Note have been prepared for these Regulations. A copy of each of these documents has been placed in the library of each House of Parliament. Copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

Notes:

[1] 1964 c.14; section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c.68), 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 1, 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.[back](#)

[2] O.J. No. L125, 11.7.66, p.2309.[back](#)

[3] O.J. No. L234, 1.9.2001, p.60.[back](#)

[4] O.J. No. L096, 13.4.2002, p.28.[back](#)

[5] Cmnd 2073.[back](#)

[6] Cmnd 2847.[back](#)

[7] O.J. No.L106, 17.4.2001, p.1[back](#)

[8] S.I. 2002/3176.[back](#)

[9] O.J. No. L140, 12.5.98, p.14.[back](#)

[10] O.J. No. L99, 16.4.2002, p.22.[back](#)

[11] S.I. 2001/3510.[back](#)

[12] C(2000)146/Final.[back](#)

[13] O.J. No. L296, 9.12.95, p.34.[back](#)

[14] O.J. No. L096, 13.4.2002, p.28.[back](#)

[15] 2000 c.7.[back](#)

[16] O.J. L106, 17.4.2001, p.1.[back](#)

[17] S.I.2001/3510.[back](#)

[18] S.I. 2002/3172.[back](#)

[19] S.I. 2002/3176.[back](#)

[20] 1978 c.30.[back](#)

[21] S.I. 1993/2005, relevant amending instruments are S.I. 1995/1482, 1997/616, 1999/1860, 1999/2196.[back](#)

[22] S.I. 1995/1482.[back](#)

[23] S.I. 1997/616.[back](#)

[24] S.I. 1999/1860.[back](#)

[25] S.I. 1999/2196.[back](#)

[26] S.I. 2000/1793.[back](#)

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

[28] S.I. 2002/1563.[back](#)

[29] S.I. 1986/1510; amended by S.I. 1997/188.[back](#)

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