

Statutory Instrument 2005 No. 2672

The Cereal Seed (England) (Amendment) Regulations 2005

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STATUTORY INSTRUMENTS

2005 No. 2672

SEEDS, ENGLAND

The Cereal Seed (England) (Amendment) Regulations 2005

<i>Made</i>	<i>25th September 2005</i>
<i>Laid before Parliament</i>	<i>28th September 2005</i>
<i>Coming into force</i>	<i>26th October 2005</i>

The Secretary of State in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4), (5), (5A) and 36 of the Plant Varieties and Seeds Act

1964[1], and now vested in her[2], after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to her to be concerned, makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Cereal Seed (England) (Amendment) Regulations 2005 and come into force on 26th October 2005.

Amendment of the Cereal Seed (England) Regulations 2002

2. —(1) The Cereal Seed (England) Regulations 2002[3] shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1)—

(a) for the definition of "the Cereal Seed Directive" there shall be substituted the following definition—

" "the Cereal Seed Directive" means Council Directive 66/402/EEC[4] on the marketing of cereal seed as last amended by Council Directive 2004/117/EC[5];";

(b) in the definition of "licensed EC crop inspector", for the words "Article 2(3)(i)(c)" there shall be substituted the words "Article 2(3)A(a)(iii)";

(c) for the definition of "licensed EC seed testing station" there shall be substituted the following definition—

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

(d) for the definition of "licensed third country seed testing station" there shall be substituted the following definition—

" "licensed third country seed testing station" means a seed testing laboratory authorised by the approved seed certification authority in an equivalent country, pursuant to—

(a) in the case of seed other than maize, Rule 6(4)(2)(3) of, and Appendix 8B to, the OECD Cereal Seed Scheme, and

(b) in the case of maize, Rule 6(4)(2)(3) of, and Appendix 8B to, the OECD Maize and Sorghum Seed Scheme,

to carry out seed testing in that country;; and"; and

(e) for the definition of the "OECD Decision" there shall be substituted the following definition—

" "OECD Decision" means the Decision of the OECD Council

revising the OECD Schemes for Varietal Certification or the Control of Seed Moving in International Trade^[6] as last amended by OECD Council Decision C(2005)38;"

(3) In paragraph 39(2)(b)(ii) of Part III of Schedule I, for the word "laboratory" there shall be substituted the word "station".

(4) In Schedule 3—

(a) in paragraph 10(1)(c)(i), for the words "official field inspection" there shall be substituted the words "official UK field inspection or a UK field inspection carried out under official supervision";

(b) in paragraph 10(1)(c)(ii), for the words "official field inspections" there shall be substituted the words "official UK field inspections or UK field inspections carried out under official supervision";

(c) in paragraph 11(6), for the words "official field inspection" there shall be substituted the words "official UK field inspection or a UK field inspection carried out under official supervision";

(d) in paragraph 15(1), for the words "official field inspection" there shall be substituted the words "official UK field inspection"; and

(e) in paragraph 15(2), for the words "official field inspection" there shall be substituted the words "official UK field inspection or a UK field inspection carried out under official supervision".

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Parliamentary Under Secretary of State Department for Environment, Food and Rural Affairs

25th September 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cereal Seed (England) Regulations 2002 (SI 2002/3173) as amended by the Cereal Seed (England) (Amendment) Regulations 2004 (SI 2004/2386) (the "2002 Regulations") and come into force on 26th October 2005.

The amendments to the 2002 Regulations—

(a) update definitions and references to take account of Council Directive 2004/117/EC (O.J. No. L14, 18.1.2005, p.18) on examinations carried out under official supervision and equivalence of seed produced in third countries (*Regulations 2(2)(a), 2(2)(b) and 2(2)(c)*);

(b) update references to reflect amendments to the Decision of the OECD

Council revising the OECD Schemes for the Varietal Certification or the Control of Seed Moving in International Trade (C(2000)146/Final) (*Regulations 2(2)(d) and 2(2)(e)*); and

(c) correct errors and inconsistencies (*Regulations 2(3) and 2(4)*).

A Transposition Note has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Transposition Note 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.

A regulatory impact assessment has not been prepared for this instrument, as it has no impact on the cost of businesses, charities or voluntary bodies.

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 Minister".[back](#)

[2] 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](#)

[3] S.I. 2002/3173 as amended by 2004/2386.[back](#)

[4] O.J. No. L125, 11.7.1966, p2309.[back](#)

[5] O.J. No. L14, 18.1.2005, p18.[back](#)

[6] C(2000)146/Final.[back](#)

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