

2010 No. 219

SEEDS

**The Seed (Scotland) (Miscellaneous Amendments)
Regulations 2010**

| | |
|--|-----------------------|
| <i>Made</i> - - - - | <i>3rd June 2010</i> |
| <i>Laid before the Scottish Parliament</i> | <i>7th June 2010</i> |
| <i>Coming into force</i> - - | <i>30th June 2010</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4) and (5), 17(1), (2), (3) and (4) and 36 of the Plant Varieties and Seeds Act 1964(a) and all other powers enabling them to do so.

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

**PART 1
GENERAL**

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Seed (Scotland) (Miscellaneous Amendments) Regulations 2010.
- (2) These Regulations come into force on 30th June 2010.
- (3) These Regulations extend to Scotland only.

PART 2

AMENDMENT OF THE CEREAL SEED (SCOTLAND) REGULATIONS 2005

Amendment of the Cereal Seed (Scotland) Regulations 2005

2. The Cereal Seed (Scotland) Regulations 2005(b) are amended in accordance with regulations 3 to 5.

(a) 1964 c.14. Section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 5(1) and (2). See section 38(1) for the definition of “the Minister”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2005/328, amended by S.S.I. 2006/313 and 448, 2007/224 and 536 and 2009/223.

Amendment of regulation 2 (interpretation)

3. In regulation 2(1), in the definition of “oats” for “in relation to oats” substitute “in relation to oats, red oats and naked oats”.

Substitution of Schedule 1 (species of seed to which the regulations apply)

4. For Schedule 1, substitute the Schedule set out in Schedule 1 to these Regulations.

Amendment of Schedule 4 (requirements for pre-basic seed, basic seed, certified seed, certified seed of the first generation and certified seed of the second generation)

5. In Schedule 4, in paragraph 16(1) (standards of germination, analytical purity and content of seed of other plant species)—

- (a) in the table, in the heading of columns 12 and 13 and in footnote (b) to the table, for “*A. ludoviciana*, *A. sterilis*”, substitute “*Avena sterilis*”;
- (b) in the table, in the heading of columns 14 and 15, for “*Agropyron repens*”, substitute “*Elytrigia repens*”;
- (c) in the table, before the entry for ‘*Secale cereale*’, insert the entry in Schedule 2 to these Regulations; and
- (d) for footnote (c) to the table, substitute—

“(c) In the case of varieties of *Hordeum vulgare* which are officially classified as of the “naked barley” type and in the case of varieties of *Avena nuda* which are officially classified as of the “naked oat” type, the minimum germination standard is 75%. In such cases the official label shall be endorsed ‘minimum germination capacity 75%’.”.

PART 3

AMENDMENT OF THE FODDER PLANT SEED (SCOTLAND) REGULATIONS 2005

Amendment of the Fodder Plant Seed (Scotland) Regulations 2005

6. The Fodder Plant Seed (Scotland) Regulations 2005(a) are amended in accordance with regulations 7 to 9.

Substitution of Schedule 1 (species of seed to which the regulations apply)

7. For Schedule 1, substitute the Schedule set out in Schedule 3 to these Regulations.

(a) S.S.I. 2005/329, amended by S.S.I. 2006/313, 2007/224 and 536, 2009/223 and 330.

Amendment of Schedule 4 (requirements for pre-basic seed, basic seed, certified seed, certified seed of the first generation, certified seed of the second generation and commercial seed)

8. In Schedule 4—

- (a) in paragraph 13 (standards for germination, analytical purity and content of seed of other plant species), in table II—
- (i) before the entry for ‘Sheep’s fescue’, insert—

| | | | | | |
|-----------------------------|----|-----|----|-----|------|
| “Fine leaved sheep’s fescue | 75 | n/a | 85 | 0.3 | 2.0 |
| Hard fescue | 75 | n/a | 85 | 0.3 | 2.0” |

- (ii) in column (4) of the entries for ‘Narrow-leaved lupin (Blue lupin)’, ‘White lupin’ and ‘Yellow lupin’, for “98” substitute “98 (c)”; and
- (b) in paragraph 14 (standards regarding content of seeds of other plant species)—
- (i) in each of tables I and II, in the heading of columns (3) and (4), for “*A.ludoviciana* and *A.sterilis*”, substitute “*Avena sterilis*”;
- (ii) in table I, in the heading of columns (11), (12) and (13) and in table II, in the heading of columns (9) and (10), for “*Agropyron repens*”, substitute “*Elytrigia repens*”;
- (iii) in table II, before the entry for ‘Sheep’s fescue’, insert the entries in Schedule 4 to these Regulations; and
- (iv) at table II, in footnote (k) to the table, for “(bitter varieties) the presence of seeds of another colour shall not exceed 4.0%”, substitute “the presence of seeds of another colour shall not exceed 4.0% in bitter lupins and 2.0% in other lupins”.

Amendment of Schedule 5 (sampling and weights)

9. In Schedule 5, in paragraph 26 (minimum weight of a sample), in the table, for the entry for ‘Sheep’s fescue, including Fine-leaved fescue, Hard fescue’, substitute—

| | | | |
|-----------------------------|----|-----|-----|
| “Fine leaved sheep’s fescue | 10 | 100 | 30 |
| Hard fescue | 10 | 100 | 30 |
| Sheep’s fescue | 10 | 100 | 30” |

PART 4

AMENDMENT OF THE OIL AND FIBRE PLANT SEED (SCOTLAND) REGULATIONS 2004

Amendment of the Oil and Fibre Plant Seed (Scotland) Regulations 2004

10. The Oil and Fibre Plant Seed (Scotland) Regulations 2004(a) are amended in accordance with regulations 11 and 12.

(a) S.S.I. 2004/317, amended by S.S.I. 2006/313, 2007/224 and 536 and 2009/223.

Substitution of Schedule 1 (species of seed to which the regulations apply)

11. For Schedule 1, substitute the Schedule set out in Schedule 5 to these Regulations.

Amendment of Schedule 5 (sampling and weights)

12. In Schedule 5, in paragraph 24 (minimum weight of a sample), in the table, in column 2 of the entry for 'Soya bean', for "25" substitute "30".

PART 5

AMENDMENT OF THE VEGETABLE SEEDS REGULATIONS 1993

Amendment of the Vegetable Seeds Regulations 1993

13. The Vegetable Seeds Regulations 1993(a) are amended in accordance with regulations 14 and 15.

Amendment of Schedule 4 (requirements for basic seed, certified seed and standard seed)

14. In Schedule 4, in Part II (basic seed, certified seed and standard seed conditions relating to the seeds), after paragraph 2(b) (additional requirements), insert—

“(c) In the case of varieties of *Zea mays* (Sweet corn – super-sweet types) the required minimum germination capacity is reduced to 80% of pure seed. The official label or the supplier’s label, where appropriate, shall be endorsed ‘minimum germination capacity 80%’.”.

Amendment of Schedule 5 (sampling and weights)

15. In Schedule 5, in Part II (maximum weight of a seed lot and minimum weight of a submitted sample), in the table, in the column headed “*Maximum lot weight (tonnes)*”—

- (a) at the entries for “Broad bean”, “French bean” and “Pea” for “25” substitute “30”; and
- (b) at the entry for “Runner beans” for “20” substitute “30”.

RICHARD LOCHHEAD

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
3rd June 2010

(a) S.I. 1993/2008, amended by S.I. 1996/1452, 1997/616, 1999/1863, S.S.I. 2000/1 and 250, S.I. 2001/3510 and S.S.I. 2007/305.

SCHEDULE 1

Regulation 4

SUBSTITUTION OF SCHEDULE 1 TO THE CEREAL SEED
(SCOTLAND) REGULATIONS 2005

“SCHEDULE 1

Regulations 2(1) and 5(1)

SPECIES OF SEED TO WHICH THE REGULATIONS APPLY

| Column 1 | Column 2 |
|--|---|
| Common Name | Latin Name |
| Barley | <i>Hordeum vulgare L.</i> |
| Durum Wheat | <i>Triticum durum Desf.</i> |
| Maize, except for popcorn and sweet corn | <i>Zea mays L.</i> (partim) except for <i>Zea mays</i> convar. <i>microsperma</i> Koern. and <i>Zea mays</i> convar. <i>saccharata</i> Koern. |
| Oats and Red oat | <i>Avena sativa L.</i> (includes <i>A. byzantina</i> K. Koch) |
| Small naked oat, Hulless oat. | <i>Avena nuda. L.</i> |
| Rye | <i>Secale cereale L.</i> |
| Spelt Wheat | <i>Triticum spelta L.</i> |
| Triticale | <i>xTriticosecale</i> Wittm. ex A. Camus – hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i> |
| Wheat | <i>Triticum aestivum L.</i> ” |

SCHEDULE 2

Regulation 5(c)

AMENDMENT OF SCHEDULE 4 TO THE CEREAL SEED (SCOTLAND) REGULATIONS 2005

| | | | | | | | | | | | | | | | | |
|--|-------|-------|----|-----|----|-----|------|-----|---|-----|------|-----|------|-----|---|-----|
| “Avena nuda -basic seed -certified seed -certified seed of the first generation -certified seed of the second generation | 75 | 75 | 99 | 99 | 4 | 1 | 1(a) | 0 | 3 | 1 | 0(b) | 0 | 1(f) | 0 | 1 | 0 |
| | 75(c) | n/a | 98 | n/a | 10 | n/a | 7 | n/a | 7 | n/a | 0(b) | n/a | 3(f) | n/a | 3 | n/a |
| | 75(c) | 75(c) | 98 | 99 | 10 | 2 | 7 | 1 | 7 | 1 | 0(b) | 0 | 3(f) | 1 | 3 | 1 |
| | 75(c) | 75(c) | 98 | 99 | 10 | 4 | 7 | 3 | 7 | 2 | 0(b) | 0 | 3(f) | 1 | 3 | 1” |

SCHEDULE 3

Regulation 7

SUBSTITUTION OF SCHEDULE 1 TO THE FODDER PLANT SEED
(SCOTLAND) REGULATIONS 2005

“SCHEDULE 1

Regulations 2(1) and
(2), 5(1), 8(2) and 12(1)

SPECIES OF SEED TO WHICH THE REGULATIONS APPLY

| Column 1 Common Name | Column 2 Latin Name |
|--|--|
| Grasses | Poaceae (Gramineae) |
| Alaska brome-grass | <i>Bromus sitchensis</i> Trin. |
| Annual meadowgrass | <i>Poa annua</i> L. |
| Brown top | <i>Agrostis capillaris</i> L. |
| Cocksfoot* | <i>Dactylis glomerata</i> L. |
| Creeping bent | <i>Agrostis stolonifera</i> L. |
| Festulolium | <i>xFestulolium</i> Asch. & Graebn. – Hybrids resulting from crossing of a species of the genus <i>Festuca</i> with a species of the genus <i>Lolium</i> |
| Fine leaved sheep’s fescue | <i>Festuca filiformis</i> Pourr. |
| Hard fescue | <i>Festuca trachyphylla</i> (Hack.) Krajina |
| Sheep’s fescue | <i>Festuca ovina</i> L. |
| Hybrid ryegrass* | <i>Lolium x boucheanum</i> Kunth |
| Italian ryegrass (including Westerwolds ryegrass)* | <i>Lolium multiflorum</i> Lam. |
| Meadow fescue* | <i>Festuca pratensis</i> Huds. |
| Perennial ryegrass* | <i>Lolium perenne</i> L. |
| Red fescue (including Chewings fescue)* | <i>Festuca rubra</i> L. |
| Red top | <i>Agrostis gigantea</i> Roth |
| Rescue grass | <i>Bromus catharticus</i> Vahl. |
| Rough-stalked meadowgrass | <i>Poa trivialis</i> L. |
| Small Timothy* | <i>Phleum nodosum</i> L. |
| Smooth-stalked meadowgrass* | <i>Poa pratensis</i> L. |
| Tall fescue* | <i>Festuca arundinacea</i> Schreber |
| Tall oatgrass | <i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J. Presl & C. Presl |
| Timothy* | <i>Phleum pratense</i> L. |
| Velvet bent | <i>Agrostis canina</i> L. |
| Wood meadowgrass | <i>Poa nemoralis</i> L. |
| Legumes | Fabaceae (Leguminosae) |
| Alsike clover | <i>Trifolium hybridum</i> L. |
| Birdsfoot trefoil | <i>Lotus corniculatus</i> L. |
| Common vetch | <i>Vicia sativa</i> L. |
| Field bean | <i>Vicia faba</i> L. (partim) |
| Field pea | <i>Pisum sativum</i> L. (partim) |
| Hairy vetch | <i>Vicia villosa</i> Roth |
| Hungarian vetch | <i>Vicia pannonica</i> Crantz |

| Column 1 Common Name | Column 2 Latin Name |
|----------------------------------|---|
| Lucerne* | <i>Medicago sativa</i> L. |
| Sand lucerne* | <i>Medicago x varia</i> T. Martyn |
| Narrow-leaved lupin (Blue lupin) | <i>Lupinus angustifolius</i> L. |
| Red clover* | <i>Trifolium pratense</i> L. |
| Sainfoin* | <i>Onobrychis viciifolia</i> Scop. |
| Trefoil, Black medick | <i>Medicago lupulina</i> L. |
| White clover* | <i>Trifolium repens</i> L. |
| White lupin | <i>Lupinus albus</i> L. |
| Yellow lupin | <i>Lupinus luteus</i> L. |
| Others | |
| Fodder kale | <i>Brassica oleracea</i> L. convar. <i>acephala</i> |
| | (DC.) Alef. var. <i>medullosa</i> Thell. + var. |
| | <i>varidis</i> L. |
| Fodder radish | <i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers. |
| Swede | <i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) |
| | Rchb. |

* denotes species to which Higher Voluntary Standards may be applied.”

SCHEDULE 4

Regulation 8(b)(iii)

AMENDMENT OF SCHEDULE 4 TO THE FODDER PLANT SEED (SCOTLAND) REGULATIONS 2005

| | | | | | | | | | | | | | | |
|--------------------------------|----|---|------|---|---|---|-----|---|-----|-----|-----|-------|-----|------|
| “Fine leaved sheep’s fescue | 30 | 0 | 0(c) | 2 | 5 | 5 | 0.3 | 5 | 0.5 | n/a | n/a | 20(a) | 1.0 | n/a |
| Hard fescue | 30 | 0 | 0(c) | 2 | 5 | 5 | 0.3 | 5 | 0.5 | n/a | n/a | 20(a) | 1.0 | n/a” |

SCHEDULE 5

Regulation 11

SUBSTITUTION OF SCHEDULE 1 TO THE OIL AND FIBRE PLANT SEED (SCOTLAND) REGULATIONS 2004

“SCHEDULE 1

Regulations 2(1) and 5(1)

SPECIES OF SEED TO WHICH THE REGULATIONS APPLY

| Column 1 | Column 2 |
|---------------------------|---|
| Common Name | Latin Name |
| Black mustard | <i>Brassica nigra</i> (L.) W.D.J. Koch |
| Brown mustard | <i>Brassica juncea</i> (L.) Czern. |
| Hemp ^(a) | <i>Cannabis sativa</i> L. |
| Flax | <i>Linum usitatissimum</i> L. |
| Linseed | <i>Linum usitatissimum</i> L. |
| Soya bean | <i>Glycine max</i> (L.) Merr. |
| Sunflower | <i>Helianthus annuus</i> L. |
| Swede rape ^(b) | <i>Brassica napus</i> L. (partim) |
| Turnip rape | <i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs |
| White mustard | <i>Sinapis alba</i> L. |

^(a) See regulation 2(1) for the definitions of “dioecious hemp”, “hemp” and “monoecious hemp”.

^(b) See regulation 2(1) for the definition of “swede rape”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, implement Commission Directive 2009/74/EC of 26 June 2009 amending Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC and 2002/57/EC in the light of developments of scientific and technical knowledge (O.J. L 166, 27.6.09, p.40).

These Regulations amend Schedule 1 to each of the Cereal Seed (Scotland) Regulations 2005 (S.S.I. 2005/328), the Fodder Plant Seed (Scotland) Regulations 2005 (S.S.I. 2005/329) and the Oil and Fibre Plant Seed (Scotland) Regulations 2004 (S.S.I. 2004/317) to reflect nomenclature changes to certain species (regulations 4, 7 and 11). Regulations 3, 5(a) to (c), 8 and 9 amend other references in S.S.I. 2005/328 and S.S.I. 2005/329 in consequence of these nomenclature changes.

These Regulations also amend the Cereal Seed (Scotland) Regulations 2005 and the Vegetable Seeds Regulations 1993 (S.S.I. 1993/2008) to reduce the minimum germination standard for naked barley and super-sweet corn (regulations 5(d) and 14).

These Regulations also amend Part II of Schedule 5 to the Oil and Fibre Plant Seed (Scotland) Regulations 2004 and the Vegetable Seeds Regulations 1993 by increasing the maximum weight of a seed lot for certain species to 30 tonnes (regulations 12 and 15). The maximum weight of a seed lot remains subject to a margin by which it may be exceeded by virtue of paragraph 23 of Schedule 5 to the Oil and Fibre Plant Seed (Scotland) Regulations 2004 and Part II of Schedule 5 to the Vegetable Seeds Regulations 1993.

No Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the cost of business.

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