SCOTTISH STATUTORY INSTRUMENTS

2002 No. 520

SEEDS

The Seeds (Miscellaneous Amendments) (Scotland) Regulations 2002

Made - - - -	*26th November 2002*
Laid before the Scottish Parliament - - - -	*27th November 2002*
Coming into force - -	*1st January 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 16(1), (1A), (2) and (3) and 36 of the Plant Varieties and Seeds Act 1964(**1**) and of all other powers enabling them in that behalf, after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seeds (Miscellaneous Amendments) (Scotland) Regulations 2002 and shall come into force on 1st January 2003.

(2) These Regulations extend to Scotland only.

Amendment of the Cereal Seeds Regulations 1993

2.—(1) The Cereal Seeds Regulations 1993(**2**) are amended in accordance with the provisions of this regulation.

(2) In regulation 3(3) (interpretation) after the definition of "Certified Seed of the Second Generation" insert–

> ""Excepted Seed Marketed in Bulk" means Certified Seed (other than seeds of maize), Certified Seed of the First Generation or Certified Seed of the Second Generation–
>
> (a) which is intended to be marketed in bulk direct to the final consumer in a container that is closed after filling; and
>
> (b) in respect of which a random sample has been taken by a person authorised in that behalf in accordance with paragraph 8A of Schedule 5".

(**1**) 1964 c. 14 section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); 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).

(**2**) S.I.1993/2005, as amended by S.I. 1995/1482, 1997/616, 1999/1860 and 2001/3510 and S.S.I. 2000/248.

(3) In regulation 8 (sealing of packages)–

(a) in paragraph (1) for "No" substitute "Subject to paragraph (1A) below, no"; and

(b) after paragraph (1) insert–

"(1A) Paragraph (1) above shall not apply to Excepted Seed Marketed in Bulk.".

(4) In regulation 9 (labelling of packages)–

(a) in paragraph (1) for "paragraph" substitute "paragraphs (1A) and"; and

(b) after paragraph (1) insert–

"(1A) Paragraph (1) above shall not apply to Excepted Seed Marketed in Bulk.".

(5) After regulation 9 insert–

"**Provision of information to the final consumer about Excepted Seed Marketed in Bulk**

9A. On delivery of Excepted Seed Marketed in Bulk to the final consumer, the supplier shall also deliver to the final consumer a note containing the information given on the official label on the container from which seed was taken.

Notification of Excepted Seed Marketed in Bulk

9B. A supplier of seed shall prior to 10th January 2004 and prior to 10th January in each year thereafter notify the Scottish Ministers in such manner as they may from time to time specify of the quantities of Excepted Seed Marketed in Bulk by that supplier in the period from 1st January to 31st December in the immediately preceding year.".

(6) After paragraph 8 of Schedule 5 insert–

"**8A.** Random sampling of seed lots of seed which is intended to be Excepted Seed Marketed in Bulk shall be carried out in accordance with the requirements of this Schedule during the filling of the container, used by the final consumer, into which the seed is placed.".

Amendment of the Fodder Plant Seeds Regulations 1993

3.—(1) The Fodder Plant Seeds Regulations 1993(**3**) are amended in accordance with the provisions of this regulation.

(2) In regulation 3(3) (interpretation) after the definition of "Commercial Seed" insert–

""Excepted Seed Marketed in Bulk" means Certified Seed of the First Generation or Certified Seed of the Second Generation–

(a) which is intended to be marketed in bulk direct to the final consumer in a container that is closed after filling; and

(b) in respect of which a random sample has been taken by a person authorised in that behalf in accordance with paragraph 8A of Schedule 5".

(3) In regulation 8 (sealing of packages)–

(a) in paragraph (1) for "No" substitute "Subject to paragraph (1A) below, no"; and

(b) after paragraph (1) insert–

"(1A) Paragraph (1) above shall not apply to Excepted Seed Marketed in Bulk.".

(4) In regulation 9 (labelling of packages)–

(a) in paragraph (1) for "paragraph" substitute "paragraphs (1A) and";

(**3**) S.I. 1993/2009, as amended by S.I. 1993/2529, 1996/1453, 1997/616, 1999/1864 and 2001/3510 and S.S.I. 2000/247.