

SCHEDULE 1

INTERPRETATION

PART 1

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 sub-paragraph (2), (3) or (4) applies.

(2) This sub-paragraph applies to—

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

(3) This sub-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 1 of Schedule 4 for a crop from which basic seed is to be produced;
 - (ii) that satisfies the conditions laid down in Parts 2 and 4 of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and

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- (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 2 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 sub-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 sub-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 sub-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 sub-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 sub-paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the National Assembly for Wales 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 Department 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.

Third country officially certified pre-basic seed of a listed variety

- 4.—(1) In these Regulations “third country officially certified pre-basic seed of a listed variety” means seed of an approved species to which sub-paragraph (2) or (4) applies.
- (2) This sub-paragraph applies to pre-basic seed of a listed variety—
- (a) that was harvested from a crop that was produced—
 - (i) in an equivalent third country; and

- (ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
 - (b) that has been officially certified as pre-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 2 of Part B of Annex II 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 3 of Part B of Annex II to the Third Country Equivalence Decision; and
 - (d) that has been imported into the United Kingdom accompanied by the appropriate documentation.
- (3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—
- (a) 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; and
 - (b) in all other cases—
 - (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 pre-basic seed; and
 - (ii) 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 pre-basic seed other than those relating to varietal identity and varietal purity.
- (4) This sub-paragraph applies to pre-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 sub-paragraph (2)(a) to (d).

Overseas tested officially certified pre-basic seed of a listed variety

5. 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

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- (ii) by a licensed EC seed testing station in either of the member States referred to in sub-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 sub-paragraph (b).

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

6.—(1) In these Regulations “UK officially certified early movement pre-basic seed of a listed variety” means seed to which sub-paragraph (2), (3) or (4) applies.

- (2) This sub-paragraph applies to—
 - (a) seed of a listed variety officially certified as early movement pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers, or the National Assembly for Wales, and
 - (b) seed of a previously listed variety officially certified as early movement pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers, or the National Assembly for Wales and for which a marketing extension is in force.
- (3) This sub-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 1 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 2 and 4 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 2 of Schedule 4 for basic seed;
 - (b) pre-basic seed of a previously listed variety that complies with the requirements of sub-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 sub-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 sub-paragraph (a)(ii) to (iv); and

(iii) for which a marketing extension is in force,

other than seed to which sub-paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers, or the National Assembly for Wales 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 Department 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

7. 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

8.—(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 sub-paragraph (2), (3) or (4) applies.

(2) This sub-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 Secretary of State, the Scottish Ministers, or the National Assembly for Wales, 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 Secretary of State, the Scottish Ministers, or the National Assembly for Wales and for which a marketing extension is in force in respect of seed of the hybrid variety.

(3) This sub-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 1 of Schedule 4 for a crop from which basic seed is to be produced;
 - (ii) that satisfies the conditions laid down in Parts 2 and 4 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 2 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 sub-paragraph (a)(i) to (iii) and for which a marketing extension is in force in respect of seed of the hybrid variety;

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- (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 sub-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 sub-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 sub-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 Secretary of State, the Scottish Ministers, or the National Assembly for Wales 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 Department 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

9. 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.

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

10.—(1) In these Regulations “third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety” means pre-basic seed of an approved species to which sub-paragraph (2) or (4) applies.

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

- (a) that was harvested from a crop that was produced—

- (i) in an equivalent third country; and
 - (ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
 - (b) that has been officially certified as pre-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 2 of Part B of Annex II 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 3 of Part B of Annex II to the Third Country Equivalence Decision; and
 - (d) that has been imported into the United Kingdom accompanied by the appropriate documentation.
- (3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—
 - (a) 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; and
 - (b) in all other cases—
 - (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 pre-basic seed; and
 - (ii) 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 pre-basic seed other than those relating to varietal identity and varietal purity.
- (4) This sub-paragraph applies to pre-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 sub-paragraph (2)(a) to (d).

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

11. 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—

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

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

12.—(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 to which sub-paragraph (2), (3) or (4) applies.

- (2) This sub-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 Secretary of State, the Scottish Ministers, or the National Assembly for Wales, 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 Secretary of State, the Scottish Ministers, or the National Assembly for Wales and for which a marketing extension is in force in respect of seed of the hybrid variety.
- (3) This sub-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 1 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 2 and 4 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 2 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 sub-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 sub-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 sub-paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers, or the National Assembly for Wales 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 Department 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

13. 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

14. 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) third country officially certified pre-basic seed of a listed variety;
- (d) overseas tested officially certified pre-basic seed of a listed variety;
- (e) UK officially certified early movement pre-basic seed of a listed variety;
- (f) EC officially certified early movement pre-basic seed of a listed variety;
- (g) UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (h) EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (i) third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

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- (j) overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (k) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and
- (l) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.