

## Notice on farm saved seed – the small farmer exemption

The small farmer exemption was adopted in the early 1990s at both a European and UK level as a long-standing principle to ensure farm saved seed remuneration is administered proportionately, balancing the interests of both farmers and breeders, whilst protecting existing practices on the smallest farms. This exemption has, since its introduction, been applied by the BSPB in a consistent, equitable and proportionate manner and the BSPB is **committed** to ensuring that the exemption continues to be applied in this way for all.

### Small Farmer – Policy FAQs

#### How is a small farmer defined by legislation?

Small farmers are defined in section 9 of the UK Plant Varieties Act 1997 as:

- a farmer who grows protected seed varieties in an area no bigger than that which would be needed to produce **92 tonnes of cereals per harvest**.
- a farmer who grows **potatoes** in an area no bigger than that which would be needed to produce 185 tonnes of potatoes per harvest.

The legislation can be referred to through this [link](#).

#### Why is there a small farmer exemption?

The small farmer exemption was implemented to balance the protection of farming practices on the smallest farms, whilst ensuring that breeders received a fair return for the investment they made, in developing new varieties, which better benefit agricultural production and ensuring continued research and development for future new and improved varieties. It was also designed to keep things proportionate ensuring that value for money is achieved by both the breeder and farmer.

#### Has the legislation changed since EU exit?

Section 9 of The Plant Varieties Act 1997 simply reflected the position under Art 14(3) of Council Regulation 2100/94, which the UK decided to continue and include directly into the UK legislation after EU exit.

There was no policy change to the small farmer legislation when the UK exited the European Union. The Plant Breeders' Rights (Amendment etc.)(EU Exit) Regulations 2019 made on EU exit on 31 December 2020 clarified in the Explanatory Note that “*no, or no significant, impact on the private or voluntary sector is foreseen*”. This is outlined further in Section 6 of the Explanatory Memorandum to The Plant Varieties Act (Amendment) Regulations 2026.

*“The aim was to preserve and maintain the same outcome as that which occurred from the cross reference to EU law in relation to farm saved seed and small farmers”.*

There was no intended or actual change of law to the smaller farmer exemption.

In 2026, DEFRA issued a clarification to their original wording, acknowledging that it required “*clearer definition in line with the policy intent and to remove the potential for confusion and ambiguity in its interpretation*”.

As there was no intended policy change, this clarification did not need to go through Parliament. The full *Explanatory Memorandum to The Plant Varieties Act (Amendment) Regulations 2026* and explanation of why the update did not need to go through Parliament can be found through this [link](#).

The full amended statutory guidance can be found [here](#).

## **Small Farmer – BSPB FAQs**

### **How is the legislation interpreted by BSPB?**

BSPB interprets the legislation’s definition of a small farmer as:

- a farmer who grows 18 hectares (45 acres) or under of **cereals** per harvest year.

It means the total area of all cereals crops grown by that farmer. It does not mean an area needed to produce up to 92 tonnes for each cereals crop grown.

### **How has BSPB advertised the exemption?**

BSPB’s bi-annual declaration form reminds growers that they should contact the office, if they believe they qualify for the small farmer exemption.

Additionally, details of the small farmer exemption can be found in the FAQs on our website which can be found [here](#).

### **How do I qualify as a small farmer?**

To qualify as a small farmer, growers need to contact BSPB to confirm that the total area of **cereals** that are grown by that farmer in one harvest year.

If this area is less than 18 hectares (45 acres), growers will need to provide evidence so that their account can be updated with the small farmer exemption.

### **Are small farmers required to submit declarations?**

Farmers who have been registered with BSPB for the small farmer exemption are not required to pay farm saved seed remuneration and are therefore not contacted for declarations.

BSPB will contact small farmers once every 5 years to review, if the business remains active and still qualifies for the small farmer exemption.

It is the farmer’s responsibility to contact BSPB with a declaration, if their area changes to be greater than 18 hectares (45 acres) in a harvest year.

## **How BSPB supports plant breeding in the UK**

The farm saved seed payments collected by BSPB are paid directly to the holder (or their agent) of the plant breeder's rights for each variety declared. This allows for continued investment by plant breeders in developing varieties that are suitable for the UK climate and many regional conditions, ensuring disease and pest resistance and having the ability to respond to a changing environment for UK farmers.

It is essential for our UK agricultural industry that we maintain a wide and diverse gene pool, through the support of UK-based breeders, so that changes to local growing conditions and UK specific-diseases can be rapidly responded to.

Thanks to the efforts of UK-based plant breeders, great advancements have been made in untreated yield in Recommended List trials. Varieties have also been developed with traits that enhance resilience to pests and diseases. Some examples of these developments are wheat varieties that resist BYDV, sugar beet varieties that resist rhizomania and oilseed rape varieties that resist clubroot.

Varieties have also been bred to meet the requirements of the end user. Some examples include the development of oilseed rape varieties with reduced erucic acid, which are better suited to human consumption. There has been a 57% increase in home grown wheat being used for flour milling due to hard-milling and high protein wheat varieties that are better suited to breadmaking.

To read more about the positive effects of plant breeding, click [here](#)

## **How BSPB Represents Plant Breeding**

### **Trials Co-ordination, Lobbying and Policy**

BSPB is a not-for-profit organisation which has driven efficiencies and is effective at consistently returning value for money to our plant breeders. BSPB sits on the Recommended List Board and runs the VCU trials that feed directly into the List.

Alongside our work representing plant breeders in certified, farm saved seed and variety trials, BSPB also participates in meetings with UK-based stakeholders, government agencies and committees to shape policy that is in the best interests of breeders and farmers.

Members of the BSPB team also represent the UK's plant breeding industry internationally at both Euroseeds and the International Seed Federation. We participate in important industry conversations, such as those surrounding international seed trade and phytosanitary conditions. BSPB also lobbies for the progression of advanced breeding techniques such as precision breeding and is committed to ensuring the voices of UK plant breeders and farmers are heard.