WELSH STATUTORY INSTRUMENTS

2003 No. 56 (W.6)

SEEDS, WALES

The Seeds (Miscellaneous Amendments) Regulations (Wales) 2003

Made - - - -	*15 January 2003*
Coming into force - -	*16 January 2003*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 16(1), (1A), (2) and (3) and 36 of the Plant Varieties and Seeds Act 1964(**1**) and of every other power enabling it in that behalf, and after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to it to be concerned, hereby makes the following Regulations:

Title, commencement and application.

1.—(1) These Regulations are called the Seeds (Miscellaneous Amendments) (Wales) Regulations 2003 and come into force on 16 January 2003.

(2) These Regulations apply in relation to Wales.

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" there is inserted the following definition—

> ""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 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 in accordance with paragraph 8A of Schedule 5, by a person authorised in that behalf.".

(3) In regulation 8 (Sealing of packages)—

(**1**) 1964 c. 14; section 6 was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4 paragraph 5; *see* section 38(1) for the definition of "the Ministers". The functions of the Secretary of State in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(**2**) S.I. 1993 No. 2005 as amended by S.Is. 1995/1482, 1997/616, 1999/1860, 2001/3510 and 2001/3664 (W.296).

(a) in paragraph (1) for the word "No" there is substituted "Subject to paragraph (1A) below, no"; and

(b) after paragraph (1) there is inserted—

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

(4) In regulation 9 (Labelling of packages)—

(a) in paragraph (1) for the words "paragraph (12)" there is substituted "paragraphs (12) and (12A)"; and

(b) after paragraph (12) there is inserted—

"(12A) Paragraph (1) above shall not apply to Excepted Seed Marketed in Bulk.".

(5) After regulation 9A there is inserted—

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

9B. 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

9C. A supplier of seed shall prior to 10th January 2004 and prior to 10th January in each year thereafter notify the National Assembly, in such manner as it 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 there is inserted—

"**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" there is inserted the following definition—

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

(a) which is 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 in accordance with paragraph 8A of Schedule 5 by a person authorised in that behalf.".

(3) In regulation 8 (Sealing of packages)—

(a) in paragraph (1) for the word "No" there is substituted "Subject to paragraph (1A) below, no"; and

(b) after paragraph (1) there is inserted—

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

(**3**) S.I. 1993 No. 2009 as amended by S.Is 1993/2529, 1996/453, 1997/616, 1999/1864, 2001/3510 and 2001/3665 (W.297).