STATUTORY RULES OF NORTHERN IRELAND

2009 No. 384

SEEDS

The Beet Seeds Regulations (Northern Ireland) 2009

Made - - - -	*25th November 2009*
Coming into operation	*31st December 2009*

The Department of Agriculture and Rural Development(**1**) makes the following Regulations in exercise of the powers conferred by sections 1(1) and (2A) and 2 of the Seeds Act (Northern Ireland) 1965(**2**) after consultation, in accordance with Section 1(1) of that Act, with representatives of such interests as appear to it to be concerned:

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Beet Seeds Regulations (Northern Ireland) 2009, and shall come into operation on 31st December 2009.

General interpretation

2.—(1) In these Regulations—

"the 2004 Commission Decision" means Commission Decision 2004/842/EC(**3**) concerning implementing rules whereby Member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted;

"the Act" means the Seeds Act (Northern Ireland)1965;

"Annex II.A(3) official certificate" means an official certificate of the type specified in paragraph 3 of Part A of Annex II to the Third Country Equivalence Decision;

(**1**) Formerly the Department of Agriculture for Northern Ireland: see S.R. 1999/283 (N.I.) Article 3(4)
(**2**) 1965 c.22(N.I.); section 1 was amended by 1970 c.20(N.I.), section 10(1) and S.R. & O.(N.I.) 1972 No.351 Art.3 and Schedule 3; section 2 was amended by 1970 c.20(N.I.), section 10 (2) and S.R.1977 No.295 Art.2.
(**3**) OJ L 362, 9.12.2004, p21

"Annex IV(C) document" means an official document of the type specified in the second indented sub-paragraph of Article 22(2) of the Beet Seed Directive containing the particulars specified in paragraph C of Annex IV to the Directive;

"another member State" means an EEA State other than the United Kingdom;

"approved seed certification authority" means an authority specified in column 2 of the table set out in Annex I to the Third Country Equivalence Decision;

"authorised officer" means an officer authorised for the purposes of these Regulations by the Department, the Secretary of State, the Scottish Ministers, or the National Assembly for Wales;

"the Beet Seed Directive" means Council Directive 2002/54/EC(**4**) on the marketing of beet seed as last amended by Council Directive 2004/117/EC(**5**);

"blended seed lot" means a seed lot obtained by blending seed where the seed that goes into the blend is—

(a) of the same variety;

(b) has come from different sources; and

(c) either—

(i) has been officially certified;

(ii) has not been officially certified but has been harvested from a seed crop for which a field inspection report has been issued showing that the crop met the Directive crop conditions for the relevant category of seed; or

(iii) is made up of seed that has been officially certified and seed that has not but for which a field inspection report of the type specified in sub-paragraph (2) has been issued;

"breeder"—

(a) in relation to a variety that has not been entered in a National List or the Common Catalogue, includes any person lawfully multiplying (on his own account) seed bred by another, and

(b) in relation to a variety that has been so entered, means the maintainer of the variety;

"breeder's seed" means seed which has been produced by or under the responsibility of the breeder and that is intended for the production of pre-basic or basic seed;

"Commission Directive 2008/62" means Commission Directive 2008/62/EC(**6**) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties;

"Common Catalogue" means the Common Catalogue of varieties of species of agricultural plants published in the Official Journal of the European Communities;

"the Common Catalogue Directive" means Council Directive 2002/53/EC(**7**) on the common catalogue of varieties of agricultural plant species, as last amended by the Food and Feed Regulation;

"component" means a component of a hybrid variety;

"conservation variety" means a variety which is listed as a conservation variety in accordance with the Seeds (National Lists of Varieties) Regulations 2001(**8**);

(**4**) OJ L 193, 20.7.2002, p. 12
(**5**) OJ L 14, 18.1.2005, p. 18
(**6**) OJ L 162, 21.6.08, p 13
(**7**) OJ L 193, 20.7.2002, p. 1
(**8**) S.I.2001/3510; relevant amendments are S.I. 2004/2949, 2007/1871 and S.I. 2009/1273.

"control plot" means a plot sown with seed from an official sample of seed from a seed lot (whether the official sample of the seed submitted with a regulation 5 application in accordance with regulation 5(2) or another official sample of the seed);

"the Deliberate Release Directive" means Council Directive 2001/18/EC(**9**) on the deliberate release into the environment of genetically modified organisms, as last amended by Council Regulation (EC) No 1830/2003(**10**) concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms;

"the Department" means the Department of Agriculture and Rural Development in Northern Ireland;

"Directive crop conditions" means the conditions laid down in Part A of Annex I to the Beet Seed Directive;

"Directive seed conditions" means the conditions laid down in Part B of Annex I to the Beet Seed Directive;

"the EC minimum percentage of germination" means the appropriate percentage of germination specified in column 2 of the table in paragraph 5 of Schedule 4;

"EEA State" means—

(a) a State which is a member of the Communities; and

(b) Iceland, Liechtenstein and Norway;

"entered seed lot" means a seed lot in respect of which an application has been made under regulation 5 in accordance with regulation 5(2)(a), (b)(i) and (c);

"equivalent third country" means Chile, Croatia, New Zealand, Serbia and Montenegro, Turkey and the United States of America;

"fodder beet" means fodder beet of the species *Beta vulgaris* L.;

"the Food and Feed Regulation" means Council Regulation (EC) No 1829/2003(**11**) on genetically modified food and feed;

"genetically modified" has the same meaning as for the purposes of the Deliberate Release Directive;

"germination condition" means the condition in paragraph 5 of Schedule 4;

"homogeneous seed lot" means a seed lot that has been subject to appropriate mixing and blending techniques so that the seed in the lot is as uniform as practicable;

"ISTA" means the International Seed Testing Association;

"late entered seed lot" means a seed lot in respect of which an application has been made under regulation 5(1) in accordance with regulation 5(2)(a), (b)(2) and (c);

"licensed crop inspector" means a person who has been granted a licence under regulation 11 of the Seed (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009(**12**) or by the Secretary of State, the Scottish Ministers or the National Assembly for Wales under provisions equivalent to that regulation;

"licensed EC crop inspector" means a person authorised by a competent seed certification authority in another member State, pursuant to Article 2(3)A(a)(iii) of the Beet Seed Directive, to carry out field inspections of crops in that member State;

(**9**) OJ L 106, 17.4.2001, p. 1
(**10**) OJ L 268, 18.10.2003, p. 24
(**11**) OJ L 268, 18.10.2003, p. 1
(**12**) SR 2009 No.388

"licensed EC seed testing station" means a seed testing laboratory authorised by the competent seed certification authority in another member State, pursuant to Article 2(3)B(a) of the Beet Seed Directive, to carry out seed testing in that member State;

"licensed seed sampler" means a person who has been granted a licence under regulation 18 of the Seed (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009 or by the Secretary of State, the Scottish Ministers or the National Assembly for Wales under provisions equivalent to that regulation;

"licensed seed testing station" means a laboratory in respect of which a licence has been granted under regulation 25 of the Seed (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009 or by the Secretary of State, the Scottish Ministers or the National Assembly for Wales under provisions equivalent to that regulation;

"licensed third country crop inspector" means a person authorised by an approved seed certification authority in an equivalent third country, pursuant to Rule 6(2)(3) of, and Appendix 8 to, the OECD Beet Seed Scheme, to carry out field inspections of crops in that country;

"licensed third country seed testing station" means a seed testing laboratory authorised by the approved seed certification authority in an equivalent third country, pursuant to Rule 6(4)(2)(3) of, and Appendix 8B to, the OECD Beet Seed Scheme, to carry out seed testing in that country;

"listed variety" means a plant variety that is entered in a National List or the Common Catalogue;

"listing" means the entry of a variety on a National List or the Common Catalogue and "listed" shall be construed accordingly;

"maintainer" means a person who is indicated in a National List or in the Common Catalogue as responsible for maintaining a plant variety in accordance with the characteristics to which regard was had when the plant variety was entered in the List or the Common Catalogue;

"marketing extension" means an extension granted by the Department, the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the competent seed certification authority in another member State pursuant to Article 15 of the Common Catalogue Directive allowing an extended period for the certification and marketing of seed of a variety that has been deleted from its catalogue and the Common Catalogue;

"member State" means, in addition to a State which is a member of the Communities, any other EEA State and Switzerland;

"monogerm seed" means genetically monogerm seed;

"the National Assembly for Wales" means the National Assembly for Wales established by Section 45 of the Government of Wales Act 2006(**13**);

"a National List" means a list of varieties of sugar beet or fodder beet for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 2001;

"OECD" means the Organisation for Economic Co-operation and Development;

"OECD Beet Seed Scheme" means the OECD Scheme for the varietal certification of sugar beet and fodder beet moving in international trade in Annex IX to the OECD Decision;

"OECD Certificate" means a certificate issued by or on behalf of an approved seed certification authority in an equivalent third country under the OECD Beet Seed Scheme;

"OECD Decision" means the Decision of the OECD Council revising the OECD Schemes for Varietal Certification or the Control of Seed Moving in International Trade as last amended by OECD Council Decision C(2005)38;

"OECD List" means the OECD List of Varieties Eligible for Certification;

(**13**) 2006 c. 32

"official label" means a label issued or authorised by or on behalf of the Department, the Secretary of State, the Scottish Ministers, or the National Assembly for Wales;

"official measures" includes—

(a) the disposal and determination, where applicable, of applications made in accordance with regulation 5, 7, 8, 9, 10, 11, 12, 17 and 18, including the growing and assessment of control plots and the carrying out of field inspections and seed testing in connection with the disposal and determination of such applications; and

(b) the receipt and acknowledgement of notifications given under regulation 6,

"official sample" means a sample of seed taken from a seed lot in accordance with regulation 20 and "official sampling" shall be construed accordingly;

"official UK field inspection" means a field inspection carried out by or on behalf of the Department, the Secretary of State, the Scottish Ministers, or the National Assembly for Wales;

"official UK seed test" means a seed test carried out by or on behalf of the Department, the Secretary of State, the Scottish Ministers, or the National Assembly for Wales;

"precision seed" means seed designed for use in precision drills and to produce single seedlings;

"previously listed variety" means a plant variety that was previously entered in —

(a) a National List or, in the case of another member State, the catalogue maintained by that State pursuant to Article 3 of the Common Catalogue Directive, and

(b) the Common Catalogue,

but which has been removed from both of them;

"registered person" means a person registered under regulation 5 of the Seed (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009 as a person who may engage in a relevant seed industry activity;

"regulation 17 authorisation" means an authorisation granted in accordance with regulation 17;

"regulation 18 authorisation" means an authorisation granted in accordance with regulation 18;

"the Scottish Ministers" means the Scottish Executive as constituted by Section 44 of the Scotland Act 1998(**14**);

"Schedule 4 germination test" means a test to determine whether the seed being tested attains the percentage of germination specified in column 2 of the table in paragraph 5 of Schedule 4;

"the Secretary of State" means the Secretary of State for Environment, Food and Rural Affairs;

"seed industry activity" has the same meaning as in regulation 2 of the Seed (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009;

"seed lot" means an identifiable consignment of seeds of a weight that does not exceed the weight specified in Part 1 of Schedule 7 by more than 5 per cent and that bears a unique seed lot reference number, and includes a blended seed lot and a seed lot that contains seed from different crops of the same variety grown on the same holding and combined on the grower's holding prior to processing;

"seed that has been subject to satisfactory official post-control" means seed from a seed lot for which a control plot has been sown by or on behalf of the Department, the Secretary of State, the Scottish Ministers or the National Assembly for Wales and which has produced plants which have been examined by or on behalf of the Department, the Secretary of State, the Scottish Ministers or the National Assembly for Wales, as the case may be, and has been found, having regard to—

(**14**) 1998 c. 32