STATUTORY RULES OF NORTHERN IRELAND

2003 No. 384

SEEDS

Oil and Fibre Plant Seeds (Amendment) Regulations (Northern Ireland) 2003

Made - - - -	*20th August 2003*
Coming into operation	*1st September 2003*

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

Citation and commencement

1. These Regulations may be cited as the Oil and Fibre Plant Seeds (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 1st September 2003.

Amendment of the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994

2.—(1) The Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994(**3**) shall be amended as follows.

(2) In regulation 3(2) (interpretation) –

(a) for the definition of "Pre-basic Seed" there shall be substituted –

> ""Pre-basic Seed" means seed of a generation prior to Basic Seed which –
>
> (a) other than in relation to a component used in the production of a hybrid variety of sunflower, swede rape or turnip rape –
>
> (i) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; and
>
> (ii) is intended to be used for the production of more Pre-basic Seed, Basic Seed, or with the breeder's written authority –

(**1**) Formerly the Department of Agriculture for Northern Ireland: *see*S.I. 1999/283 (N.I. 1) Article 3(4)

(**2**) 1965 c. 22 (N.I.); section 1 was amended by section 10 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970, 1970 c. 20 (N.I.) and by S.R. & O (N.I.) 1972 No. 351; section 2 was amended by section 10 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970 and by S.R. 1977 No. 295

(**3**) S.R. 1994 No. 255 as amended by S.R. 1996 No. 312, S.R. 1997 No. 240, S.R. 2000 No. 55 and S.R. 2001 No. 328

(aa) in the case of black mustard, brown mustard, sunflower, swede rape, turnip rape or white mustard, Certified Seed;

(bb) in the case of flax, linseed or soya bean, Certified Seed of the First Generation;

(cc) in the case of flax, linseed or soya bean, Certified Seed of the Second Generation; or

(dd) in the case of flax, Certified Seed of the Third Generation; or

(b) in relation to a component of a hybrid variety of sunflower, swede rape or turnip rape, seed that is intended to be used for the production of –

(i) more Pre-basic Seed of the component;

(ii) Basic Seed; or

(iii) with the breeder's written authority, Certified Seed of a hybrid variety,

and which satisfies the requirements for Basic Seed set out in Schedule 4 and in respect of which –

(aaA) an official certificate has been issued in accordance with Schedule 2; or

(aaB) a breeder's confirmation has been issued in accordance with Schedule 2A;".

(b) for the definition of "Basic Seed" there shall be substituted –

""Basic Seed" means seed which –

(a) in relation to black mustard, brown mustard, flax, linseed, soya bean, sunflower, swede rape, turnip rape and white mustard, other than a hybrid of sunflower, swede rape or turnip rape –

(i) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; and

(ii) is intended to be used for the production of –

(aa) in the case of black mustard, brown mustard, sunflower, swede rape, turnip rape or white mustard, Certified Seed;

(bb) in the case of flax, linseed or soya bean, Certified Seed of the First Generation;

(cc) in the case of flax, linseed and soya bean, Certified Seed of the Second Generation; or

(dd) in the case of flax, Certified Seed of the Third Generation; or

(b) in relation to a component of a hybrid variety of swede rape or turnip rape, or an inbred line of sunflower which is a component of a hybrid variety, seed which is intended to be used for the production of Certified Seed of a hybrid variety; or

(c) in relation to a simple hybrid which is a component of a hybrid variety of sunflower, seed which is intended to be used for the production of Certified Seed of a double or three way cross hybrid variety,

and which satisfies the requirements for Basic Seed set out in Schedule 4 and in respect of which –

(aaA) an official certificate has been issued in accordance with Schedule 2; or

(aaB) a breeder's confirmation has been issued in accordance with Schedule 2A;".

(c) for the definition of "Certified Seed" there shall be substituted –

""Certified Seed" means seed which, in relation to black mustard, brown mustard, sunflower, swede rape, turnip rape and white mustard, including hybrids of sunflower, swede rape and turnip rape –

(a) has been produced directly from officially certified Basic Seed, or with the breeder's written authority, from officially certified Pre-basic Seed;

(b) is intended for purposes other than the production of oil and fibre plant seed; and

(c) satisfies the requirements for Basic Seed set out in Schedule 4 and in respect of which –

(i) an official certificate has been issued in accordance with Schedule 2; or

(ii) a breeder's confirmation has been issued in accordance with Schedule 2A;".

(3) In regulation 5 (marketing of seeds) after paragraph (2E) insert –

"(2F) The prohibitions in paragraph (1) shall not apply to the marketing of a varietal association of seeds –

(a) to which these Regulations apply; and

(b) the female and male components of which have –

(i) been dressed using a different coloured dressing; and

(ii) been mechanically combined in proportions notified to the Department jointly determined by the persons responsible for the maintenance of these components.

(2G) Subject to paragraph (2H), the person responsible for the maintenance of the pollinator-dependent hybrid and pollinator within a varietal association may notify the Department of the proportions of the pollinator-dependent hybrid and pollinator within the varietal association.

(2H) In a case where different persons are responsible for the maintenance of the pollinator-dependent hybrid and pollinator within a varietal association, those persons may notify the Department of the proportions of the pollinator-dependent hybrid and pollinator agreed by them within the varietal association.

(2I) A notification given under paragraph (2G) or (2H) shall be made in such form and manner as the Department may require and be accompanied by such information and other documents as the Department may require.

(2J) The Department shall acknowledge the receipt of each notification that it receives under paragraph (2G) or (2H).

(2K) In this regulation –

"pollinator-dependent hybrid" means a male-sterile component within a varietal association;

"pollinator" means a component shedding pollen within a varietal association; and

"varietal association" means an association of Certified Seed of a specified pollinator-dependent hybrid variety entered in the National List or the Common Catalogue with Certified Seed of one or more specified pollinators similarly entered.".

(4) In regulation 8 (sealing of packages), in paragraph (1), after "Third Generation" insert ", a varietal association of seeds to which regulation 5 applies".

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

(a) in paragraphs (2) and (4) after "Third Generation" insert ", a varietal association of seeds to which regulation 5 applies"; and

(b) in paragraph (4A) after "Third Generation" insert ", or a varietal association of seeds to which regulation 5 applies".

(6) In Schedule 4 (requirements for Basic Seed, Certified Seed, Certified Seed of the First, Second and Third Generations and Commercial Seed) –

(a) in Part I (conditions relating to crops from which seeds other than Commercial Seed are obtained) –

(i) after paragraph 3 insert –

"(3A) At least three field inspections shall be carried out in the case of a hybrid of swede rape or turnip rape and shall be carried out as follows: –

(i) the first inspection shall be carried out before the flowering stage;

(ii) the second inspection shall be carried out at the early flowering stage; and

(iii) the third inspection shall be carried out at the end of the flowering stage.";

(ii) after paragraph 5 (previous cropping) insert –

"(5A) In the case of a hybrid of swede rape or turnip rape the crop shall be raised in a production ground where not less than five years have elapsed since plants of cruciferae were last grown.";

(iii) in paragraph 7 after sub-paragraph (c) insert –

"(d) crops to produce –

(i) Basic Seed of hybrids of swede rape and turnip rape, 500 metres;

(ii) Certified Seed of hybrids of swede rape and turnip rape, 300 metres,";

(iv) in paragraph 8 (standards for varietal purity) –

(aa) for sub-paragraph (a) substitute –

"(a) in the case of seed of –

(i) a hybrid variety of swede rape or turnip rape, the requirement for sufficient identity and purity shall also apply to the varietal characteristics of its components including restoration of male sterility or fertility (as the case may be);

(ii) the species and type specified in column (1) of the table, the minimum varietal purity shall conform to the standards specified in the corresponding entry in column (2) of the table –

Column (1) *Species and category*	Column (2) *Minimum varietal purity (percentage)*
(a) Flax –	
(i) Basic Seed	99.7