STATUTORY RULES OF NORTHERN IRELAND

2001 No. 327

SEEDS

Vegetable Seeds (Amendment) Regulations (Northern Ireland) 2001

Made - - - - 20th September 2001

Coming into operation 2nd November 2001

The Department of Agriculture and Rural Development in exercise of the powers conferred on it by sections 1(1), (2A)(**1**) and 2(**2**) of the Seeds Act (Northern Ireland) 1965(**3**) and of every other power enabling it in that behalf after consultation 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 Vegetable Seeds (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 2nd November 2001.

Amendment of the Vegetable Seeds Regulations (Northern Ireland) 1994

2.—(1) The Vegetable Seeds Regulations (Northern Ireland) 1994(**4**), shall be amended as follows.

(2) In regulation 3(1)—

(a) after the definition of "the Department" there shall be inserted the following definition—

> ""genetically modified" has the same meaning as for the purposes of Council Directive 90/220/EEC(**5**) on the deliberate release into the environment of genetically modified organisms;";

(b) the definition of "marketing" shall be deleted; and

(c) for the definition of "official examination" there shall be substituted the following definition—

> ""official examination" means—

(**1**) As inserted by S.R. & O. (N.I.) 1972 No. 351Art. 3 and Sch. 3
(**2**) As amended by 1970 c. 20 (N.I.) section 10(2)
(**3**) 1965 c. 22 (N.I.); the name of the Department was changed by S.I.1999/283 (N.I. 1) Art. 3(4)
(**4**) S.R. 1994 No. 250 as amended by S.R. 1996 No. 313, S.R. 1997 No. 240 and S.R. 2000 No. 56
(**5**) O.J. No. L117, 8.5.90, p. 15; as last amended by Commission Decision 98/294/EC, O.J. No. L131, 5.5.98, p. 33

(a) in relation to seed produced in the United Kingdom, an examination or a test carried out by or on behalf of the Department, the Minister of Agriculture, Fisheries and Food, the Scottish Ministers or the National Assembly for Wales; or

(b) in relation to seed produced elsewhere, an examination or a test approved by the Department;".

(3) After paragraph (2) of regulation 3 there shall be inserted the following paragraphs—

"(2A) For the purposes of these Regulations, seeds—

(a) produced and packaged in a member State other than the United Kingdom;

(b) accompanied by a document validly issued by a competent authority in that member State containing information specified at paragraph C(*b*) of Part I of Schedule 6; and

(c) in respect of which an application has been made for a breeder's confirmation under these Regulations,

shall be deemed to be seeds produced from seeds issued with a breeder's confirmation.

(2B) For the purposes of these Regulations, seeds—

(a) produced and packaged in a member State other than the United Kingdom;

(b) accompanied by a document validly issued by a competent authority in that member State containing information specified (in respect of packages of seed not finally certified) at paragraph C(*b*) of Part I of Schedule 6; and

(c) in respect of which an application has been made for an official certificate under these Regulations,

shall be deemed to be seeds produced from seeds issued with a breeder's confirmation or an official certificate.

(2C) For the purposes of these Regulations, seeds—

(a) produced and packaged in a member State other than the United Kingdom;

(b) labelled appropriately in accordance with the requirements of regulation 9; and

(c) in the case of a small package of seeds, sealed in accordance with the requirements of regulation 8(3), or, in the case of seeds other than a small package of seeds, validly sealed by a competent authority in a member State other than the United Kingdom, shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (2)".

(4) At the end of regulation 3 there shall be added the following paragraphs—

"(4) In these Regulations "marketing" means—

(a) selling, holding with a view to sale and offering for sale; and

(b) any disposal, supply or transfer for the purpose of commercial exploitation of seed to third parties;

whether or not for consideration; and "market" and "marketed" shall be construed accordingly.

(5) Trade in seed not aimed at commercial exploitation of the variety, such as the following operations—

(a) the supply of seed to official testing and inspection bodies; or

(b) the supply of seed to any person for the purpose of processing or packaging the seed provided he does not acquire title to the seed supplied, shall not be treated as marketing of seed of that variety.".

(5) In regulation 4—

(a) in paragraph (1), for the words "Subject to paragraphs (2) and (3)" there shall be substituted the words "Subject to paragraph (2)";

(b) in paragraph (2), sub-paragraphs (*b*), (*c*) and (*d*) shall be revoked; and

(c) paragraph (3) shall be revoked.

(6) In regulation 5(1)—

(a) in sub-paragraph (*c*) for the words "regulation 9(1)" there shall be inserted the words "regulation 9(1), (1B)," and

(b) after sub-paragraph (*d*) there shall be added the following sub-paragraph—

"(e) in the case of genetically modified seeds, clearly indicated, in the sales catalogue of the person marketing the seeds and in any other marketing information or marketing representations provided by that person, as having been genetically modified.".

(7) After paragraph (1) of regulation 5 there shall be inserted the following paragraph—

"(1A) Paragraph (1) shall not prevent the marketing of seed as grown, marketed for processing, provided that the identity of the seed is ensured.".

(8) After paragraph (2) of regulation 5 there shall be inserted the following paragraphs—

"(2A) Where there is an arrangement under which—

(a) seed, other than seed which contains any genetically modified material, under the control of one person is used by another person for the purpose of—

(i) increasing the first person's stock of the seed for sowing; or

(ii) carrying out tests or trials on the seed; and

(b) everything produced from the seed, whether directly or indirectly, and any unused seed, become or remain the property of the first person,

the prohibitions in paragraph (1) shall not apply to the marketing of the seed by the first person to the second person as part of that arrangement or to the marketing by the second person to the first person of any seed produced (whether directly or indirectly) from that seed.

(2B) The prohibitions in paragraph (1) shall not apply to the marketing by producers of small quantities of seed, other than seed which contains any genetically modified material, for scientific purposes or selection work.

(2C) If the conditions specified in paragraph (2D) are satisfied, the prohibitions in paragraph (1) shall not apply to—

(a) the marketing, as part of any arrangement referred to in paragraph (2A) by the first person referred to in that paragraph to the second person referred to in that paragraph, of seed which contains any genetically modified material;

(b) the marketing, as part of any arrangement referred to in paragraph (2A) by the second person referred to in that paragraph to the first person referred to in that paragraph, of seed produced (whether directly or indirectly) from the seed marketed to him as part of any such arrangement which contains any genetically modified material; or