STATUTORY RULES OF NORTHERN IRELAND

2000 No. 56

SEEDS

Vegetable Seeds (Amendment) Regulations (Northern Ireland) 2000

Made - - - -	*3rd March 2000*
Coming into operation	*10th April 2000*

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) 2000 and shall come into operation on 10th April 2000.

Interpretation

2. In these Regulations "the principal Regulations" means the Vegetable Seeds Regulations (Northern Ireland) 1994(**4**).

Amendment of the Vegetable Seeds Regulations (Northern Ireland) 1994

3.—(1) The principal Regulations shall be amended in accordance with the provisions of this regulation.

(2) In regulation 3(1), after the definition of "the Act" there shall be inserted—

""breeder"—

(a) in relation to a variety which has not been entered in the 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 which has been so entered, means the maintainer of the variety;

(**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.)
(**4**) S.R. 1994 No. 250 as amended by S.R. 1996 No. 313 and S.R. 1997 No. 240

"breeder's confirmation" means a document issued by the Department in accordance with Schedule 2A containing in respect of the seed to which it relates the particulars specified in Schedule 3A;".

(3) In regulation 3(2)—

(a) in the definition of "Uncertified Pre-basic Seed" in paragraph (*a*) for the words—

"in the United Kingdom by or under the responsibility of the maintainer"

there shall be substituted the words—

"by or under the responsibility of the breeder";

(b) for the definition of "Pre-basic Seed" there shall be substituted—

""Pre-basic Seed" means seeds of a generation earlier than that of Basic Seed which —

(a) have been produced by or under the responsibility of the breeder;

(b) are intended for the production of Pre-basic Seed, Basic Seed or, with the written authority of the breeder and the Department, Certified Seed; and

(c) satisfy 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;";

(c) in the definition of "Basic Seed"—

(i) in paragraph (*a*) for the words—

"by or under the responsibility of the maintainer"

there shall be substituted—

"by or under the responsibility of the breeder"; and

(ii) for paragraph (*c*) there shall be substituted—

"(c) satisfy 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;"; and

(d) in the definition of "Certified Seed" for the word "maintainer" there shall be substituted the word "breeder".

(4) In regulation 5(1)(*a*) (marketing of seeds) after the words "Certified Seed" there shall be inserted the words "in respect of which an official certificate has been issued".

(5) In regulation 6 (official certificates)—

(a) for paragraph (1)(*a*) there shall be substituted—

"(a) shall be made in writing to the Department in such form and manner, and shall include such information, records, illustrations, material and seeds, as the Department may require; and"; and

(b) after paragraph (4) there shall be added—

"(5) A breeder may apply to the Department for the issue of an official certificate in place of a breeder's confirmation once the seed of that variety may be marketed in

accordance with regulation 31 of the Seeds (National Lists of Varieties) Regulations 1982(**5**).

(6) An application under paragraph (5)—

(a) shall be made in writing to the Department in such form and manner, and shall be accompanied by such documents, as the Department may require; and

(b) shall be made not later than the thirty-first day of December of the year following the year of harvest of the crop from which the seed lot is obtained or within such other time as the Department may allow.

(7) The Department shall issue an official certificate in the circumstances described in paragraph (5) provided it is satisfied that—

(a) the seed is the seed in respect of which the breeder's confirmation was issued;

(b) the breeder's confirmation has not been withdrawn pursuant to regulation 6A(3); and

(c) there is no reason why the breeder's confirmation should be withdrawn pursuant to regulation 6A(3).

(8) Schedule 2 shall not apply to an application for an official certificate made under paragraph (5).

(9) Where an official certificate is issued under paragraph (7) in respect of any seed, a person shall not market the seed unless it has been re-labelled with a label which complies with regulation 9.".

(6) After regulation 6 (official certificates) there shall be inserted—

"**Breeder's confirmations**

6A.—(1) An application for the issue of a breeder's confirmation in respect of a seed lot—

(a) shall be made in writing by the breeder to the Department in such form and manner, and shall include such information, records, illustrations, material and seeds, as the Department may require;

(b) shall be made not later than the thirty-first day of December of the year following the year of harvest of the crop from which the seed lot is obtained or within such other time as the Department may allow; and

(c) shall be made only for seed of a variety when an application has been made to add the variety to the National List (or to an equivalent list in another member State).

(2) Where an application for the issue of a breeder's confirmation is made to the Department in accordance with paragraph (1) the Department shall deal with the application in accordance with the provisions of Schedule 2A.

(3) A breeder's confirmation which has been issued by the Department may be withdrawn by him in respect of either the whole of a seed lot or any part of a seed lot and any seeds from which a breeder's confirmation has been so withdrawn shall be deemed not to have had a breeder's confirmation if—

(a) the results of an official examination of the seeds in respect of which the breeder's confirmation has been issued are deemed null and void in accordance with paragraph (2) of regulation 7, or

(b) information has been received by it which, if known to it before the breeder's confirmation was issued, would have resulted in the application for its issue being

(**5**) S.I.1982/844, as amended by S.I. 1985/1529, 1989/1314, 1990/1353, 1992/1615 and 1998/2726

refused on the grounds that the seeds did not meet the requirements of the seeds regulations.".

(7) After regulation 8 (sealing of packages) there shall be inserted—

"**Sealing of packages — breeder's confirmation**

8A.—(1) A person shall not have in his possession any package of seed in respect of which a breeder's confirmation for Pre-basic Seed or Basic Seed has been applied for unless it has been sealed in accordance with this regulation by or under the supervision of a person authorised by the Department in that behalf in such manner that when the package is opened the sealing device will be broken and cannot be re-used.

(2) Sealing under paragraph (1) shall take place not later than at the time of sampling or, in the case of seed that is wholly or partly re-packaged, the sealing of the original package shall take place no later than that time.

(3) A person shall not open a package of seed which has been sealed in accordance with paragraph (1) except—

(a) for the purpose of sowing all the seed;

(b) where—

(i) any action carried out in relation to the package is done immediately after opening;

(ii) some seed remains in the package after that action has been done; and

(iii) the package is re-sealed under paragraph (4) immediately after the completion of that action; or

(c) for the purpose of re-packaging and re-sealing all of the seed.

(4) If a package of seeds which has been sealed in accordance with paragraph (1) shall (in accordance with paragraph (3) or otherwise) have been opened neither it nor any other package containing any of those seeds may be sealed, re-sealed or further re-sealed (as the case may be) except by or under the supervision of a person authorised by the Department in that behalf.

(5) If the details on any label required by regulation 9A cease to be correct as a consequence of any action of the kind described in paragraph (3) the label shall be replaced, by or under the supervision of a person authorised by the Department in that behalf, at the time the package is re-sealed under paragraph (4).".

(8) After regulation 9(1) (labelling of packages) there shall be inserted—

"(1A) In the case of a package of seeds in respect of which the Department has issued an official certificate under regulation 6(7), paragraph (1) shall apply as if the words "not later than at the time of sealing" were omitted.".

(9) After regulation 9 (labelling of packages) there shall be inserted—

"**Labelling of packages — breeder's confirmation**

9A.—(1) A person shall not have in his possession any package of seed in respect of which a breeder's confirmation for Pre-basic Seed or Basic Seed has been applied for unless it has been, not later than the time of sealing under regulation 8A, labelled, inscribed or otherwise dealt with in accordance with paragraphs (2) to (9).

(2) Subject to the exception in paragraph (3), packages of seeds shall have affixed on the outside an official label containing, as appropriate to the seeds, particulars of the matters specified, and being at least the size and of the colour also specified in Part I of Schedule 6