1994 No. 255

SEEDS

Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994

Made	*30th June 1994*
Coming into operation . .	*22nd August 1994*

The Department of Agriculture in exercise of the powers conferred on it by sections 1(1) and (2A)(**a**), 2(**b**) and 4(1) to (4) of the Seeds Act (Northern Ireland) 1965(**c**) 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 Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994 and shall come into operation on 22nd August 1994.

Revocation

2. The Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1976(**d**) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

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

"Common Catalogue" means the Common Catalogue of varieties of kinds of agricultural plants published in the Official Journal of the European Communities(**e**);

"the Department" means the Department of Agriculture for Northern Ireland;

"import" means to bring into Northern Ireland from any place outside Northern Ireland;

"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 National List or the Common Catalogue;

(**a**) As inserted by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 3
(**b**) As amended by 1970 c. 20 (N.I.) section 10(2)
(**c**) 1965 c. 22 (N.I.)
(**d**) S.R. 1976 No. 298
(**e**) O.J. C65A, 14.3.92 Supplements O.J. C29A, 2.2.93 and O.J. C82A, 23.3.93

"marketing" includes the offer for sale, exposure for sale, sale and possession with a view to sale of seeds and any transaction in the course of business—

(*a*) under which the property in seeds is transferred from one person to another; or

(*b*) under which the seeds are made over by one person to another in pursuance of a contract under which the seeds will be used for producing further seeds or for producing plants or parts of plants for human or animal consumption or for industrial use;

"member State" means a member State of the European Communities;

"National List" means a list of varieties of kinds of oleaginous and fibrous plants for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 1982(**a**);

"official certificate" means a certificate issued by the Department in accordance with Schedule 2 subject to the payment of any fees payable under seeds regulations and containing in respect of the seed to which it relates the particulars specified in Schedule 3 and "officially certified" shall be construed accordingly;

"official examination" means—

(*a*) in relation to a crop or seeds produced in Northern Ireland, an examination carried out by or on behalf of the Department, subject to an application for such examination having been made to the Department in such form and manner and at such time as it may require and to the payment of any fees payable under seeds regulations;

(*b*) in relation to a crop or seeds produced in Great Britain, an examination carried out by or on behalf of the Minister of Agriculture Fisheries and Food, the Secretary of State for Scotland, or the Secretary of State for Wales; or

(*c*) in relation to seeds produced elsewhere than in the United Kingdom, an examination approved by the Department;

"official label" means a label issued or authorised by the Department, subject to the payment of any fees payable under seeds regulations, and "official inner label" shall be construed accordingly;

"seed lot" means an identifiable consignment of seeds of a weight not exceeding the appropriate maximum weight specified in Part II of Schedule 5 in relation to those seeds, bearing a unique reference number, in which the seeds shall have been mixed or blended so, as far as is practicable, to show no evidence of heterogeneity;

"small package" means a package containing a net weight of not more than 15 kilograms of Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed.

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

(2) In these Regulations, in relation to categories of seeds—

"Breeder's Seed" means seeds of a generation earlier than that of Basic Seed which—

(*a*) have been produced by or under the responsibility of the maintainer carrying out in the United Kingdom the duties of a maintainer for the time being set out in regulation 19 of the Seeds (National Lists of Varieties) Regulations 1982;

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

(*c*) satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

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

(*a*) have been produced directly from Breeders Seed or Pre-basic Seed by or under the responsibility of the maintainer;

(*b*) are intended for the production of Pre-basic Seed, Basic Seed, or with the written authority of the maintainer and the Department, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or, as regards flax, Certified Seed of the Third Generation; and

(*c*) satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Basic Seed" means—

(*a*) seeds, other than of hybrids of sunflower which—

(i) have been produced by or under the responsibility of the maintainer from Pre-basic Seed or, with the written authority of the Department, from Breeder's Seed;

(ii) are intended for the production of Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or, as regards flax, Certified Seed of the Third Generation; and

(iii) satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

(*b*) seeds, in the case of inbred lines of sunflower intended for the production of hybrids, which—

(i) have been produced from Breeder's Seed or Pre-basic Seed; and

(ii) satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

(*c*) seeds, in the case of single cross hybrids of sunflower, which—

(i) have been produced from Breeder's Seed or Pre-basic Seed; and are intended for the production of double-cross hybrids or of three-way cross hybrids; and

(ii) satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Certified Seed" means seeds of turnip rape, swede rape, brown mustard, black mustard, white mustard or sunflower which—

(*a*) have been produced directly from Basic Seed or with the written authority of the maintainer and the Department, from Pre-basic Seed;

(*b*) are intended mainly for the production of plants or parts of plants for human or animal consumption; and

(*c*) satisfy the requirements for Certified Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Certified Seed of the First Generation" means seeds of soya bean, flax or linseed which—

(*a*) have been produced directly from Basic Seed or with the written authority of the maintainer and the Department, from Pre-basic Seed;

(*b*) are intended mainly for the production of plants, or parts of plants for human or animal consumption or for industrial use or for the production of Certified Seed of the Second Generation or, as regards flax, Certified Seed of the Third Generation; and

(*c*) satisfy the requirements for Certified Seed of the First Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Certified Seed of the Second Generation" means seeds of soya bean, flax or linseed which—

(*a*) have been produced directly from Basic Seed or Certified Seed of the First Generation or with the written authority of the maintainer and the Department, from Pre-basic Seed;

(*b*) are intended mainly for the production of plants or parts of plants for human or animal consumption or for industrial use or, as regards flax, for the production of Certified Seed of the Third Generation; and

(*c*) satisfy the requirements for Certified Seed of the Second Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Certified Seed of the Third Generation" means seeds of flax which—

(*a*) have been produced directly from Basic Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation or, with the written authority of the maintainer and the Department, from Pre-basic Seed;

(*b*) are intended to be used mainly for the production of plants or parts of plants for human or animal consumption or for industrial use; and

(*c*) satisfy the requirements for Certified Seed of the Third Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Commercial Seed" means seeds of black mustard which—

(*a*) are identifiable as to their kind; and

(*b*) satisfy the requirements for Commercial Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2.

(3) In these Regulations, in relation to varieties, inbred lines and hybrids of sunflower—

"double cross hybrid" means the first generation of a cross between two single cross hybrids, defined by the maintainer;

"inbred line" means a sufficiently uniform and stable line, obtained either by artificial self-fertilisation with selection over several successive generations or by equivalent operations;

"single cross hybrid" means the first generation of a cross between two inbred lines, defined by the maintainer;

"three way cross hybrid" means the first generation of a cross between an inbred line and a single cross hybrid, defined by the maintainer.

(4) For the purposes of these Regulations seeds marketed in accordance with regulation 5(1)(*b*), (ii), (iii) or (iv) shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (2).

Seeds to which the Regulations apply

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to oil and fibre plant seeds of the kinds set out in Schedule 1 being seeds intended to be used only for the production of agricultural or horticultural crops other than for ornamental purposes.

(2) These Regulations shall not apply to—

(*a*) seeds which are marketed for delivery elsewhere than in a member State;

(*b*) seeds used or to be used for research or experiment;

(*c*) seeds used or to be used in the course of a process of selection; and

(*d*) seeds which are marketed with a view to processing, treatment or cleaning, where the identity of the seeds is stated by the person by whom they are marketed.

(3) Where a person ("the first person") makes an arrangement under which some other person ("the second person") uses seeds which are under the control of the first person for the purpose of—

(*a*) increasing the first person's stock of seeds for sowing; or

(*b*) carrying out tests or trials thereon,