1994 No. 254

SEEDS

Cereal 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), (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 Cereal Seeds Regulations (Northern Ireland) 1994 and shall come into operation on 22nd August 1994.

Revocations

2. The following Regulations are hereby revoked—

(*a*) the Cereals Seeds Regulations (Northern Ireland) 1976(**d**);

(*b*) the Cereal Seeds (Amendment) Regulations (Northern Ireland) 1979(**e**);

(*c*) the Cereal Seeds (Amendment) Regulations (Northern Ireland) 1988(**f**).

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(**g**);

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

"Higher Voluntary Standard" in relation to a crop or seeds means the standard so described in Schedule 4 in relation to wheat, durum wheat,

---

(**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. 300
(**e**) S.R. 1979 No. 419
(**f**) S.R. 1988 No. 317
(**g**) O.J. C65A, 14.3.92 Supplements O.J. C29A, 2.2.93 and O.J. C82A, 23.3.93

spelt wheat, barley and oats which is higher than the minimum standard specified in that Schedule in relation to Basic Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation, being the standard attained on examination and in respect of which an official certificate has been issued in accordance with Schedule 2;

"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;

"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;

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

"National List" means a list of varieties of kinds of cereals 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;

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

"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 or any mixture of such seeds.

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

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

(*a*) have been produced in the United Kingdom by or under the responsibility of the maintainer; and

(*b*) are intended for the production of Pre-basic Seed or Basic Seed;

"Breeder's Seed" means seeds of oats, barley, wheat, durum wheat, spelt wheat, triticale or rye of a generation earlier than that of Pre-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—

(*a*) which have been produced by or under the responsibility of the maintainer; and

(*b*) which—

(i) as respects seeds of maize, have been produced from Uncertified Pre-basic Seed, or from Pre-basic Seed, and are intended for the production of Pre-basic Seed, Basic Seed or, with the written authority of the maintainer, Certified Seed; or

(ii) as respects seeds of oats, barley, wheat, durum wheat, spelt wheat, triticale or rye, have been produced—

(*a*) from Breeder's Seed, and 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 or Certified Seed of the Second Generation; or

(*b*) from Pre-basic Seed, and are intended for the production of Pre-basic Seed, Basic Seed or, with the written authority of the maintainer, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second 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 of oats, barley, wheat, durum wheat, spelt wheat, rye and triticale, other than hybrids of rye and of triticale, 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 or Certified Seed of the Second 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 which are intended for the production of hybrids of oats, barley, wheat, durum wheat, spelt wheat and rye, 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; 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 of open pollinated varieties of maize, which—

(i) have been produced from Uncertified Pre-basic Seed or Pre-basic Seed by or under the responsibility of the maintainer;

(ii) are intended for the production of Certified Seed of the same variety, top cross hybrids or inter-varietal hybrids; 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;

(*d*) seeds of inbred lines of maize, which—

(i) have been produced from Uncertified Pre-basic 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;

(*e*) seeds of single cross hybrids of maize, which—

(i) have been produced from Uncertified Pre-basic Seed;

(ii) are intended for the production of double cross hybrids, three way cross hybrids or top cross hybrids; 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;

"Certified Seed" means seeds of maize and rye and hybrids of oats, barley, wheat, durum wheat and spelt wheat which—

(*a*) have been produced directly from Basic Seed; or,

(i) in the case of maize, with the written authority of the maintainer, from Pre-basic Seed; or

(ii) in the case of rye and hybrids of oats, barley, wheat, durum wheat and spelt wheat with the written authority of the maintainer—

(*a*) directly from Pre-basic Seed which has itself been produced from Pre-basic Seed; or

(*b*) directly from Pre-basic Seed which has been produced from Breeder's 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 oats, barley, wheat, durum wheat, spelt wheat and triticale which—

(*a*) have been produced—

(i) directly from Basic Seed; or

(ii) with the written authority of the maintainer and the Department—

(*a*) directly from Pre-basic Seed which has itself been produced from Pre-basic Seed; or

(*b*) directly from Pre-basic Seed which has been produced from Breeder's Seed;

(*b*) are intended either for the production of Certified Seed of the Second Generation or mainly for the production of plants, or parts of plants for human or animal consumption; 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 oats, barley, wheat, durum wheat and spelt wheat which—

(*a*) have been produced,