1994 No. 251

SEEDS

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

Revocation

2. The Beet 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. 296
(**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;

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

"monogerm seed" means seed produced on genetically monogerm plants, the percentage of germinated clusters producing single seedlings being not less than the minimum specified in Part II of Schedule 4;

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

"natural seed" means seed of non-monogerm varieties, which have not been processed as precision seeds;

"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;

"precision seed" means seed processed for use in precision drills with the percentage of seeds producing single seedlings being not less than the minimum specified in Part II of Schedule 4;

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

"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 of Basic Seed containing a net weight of not more than 2.5 kilograms of seeds other than pelleted seeds or a net weight of not more than 12.5 kilograms of pelleted seeds;

"small EEC package" means a package of Certified Seed containing—

(*a*) in the case of monogerm seed or precision seed, not more than 100,000 clusters or a net weight of not more than 2.5 kilograms of seeds, and

(*b*) in the case of seeds other than monogerm seed or precision seed, a net weight of not more than 10 kilograms of seeds, excluding (in each case) the weight of any granulated pesticides, pelleting substances or other solid additives.

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

"Uncertified Pre-basic Seed" means seeds 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 uncertified Pre-basic Seed, Pre-basic Seed or Basic Seed;

"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 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; 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 seeds which—

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

(*b*) are intended for the production of Certified 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;

"Certified Seed" means seeds 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.

(3) For the purposes of these Regulations seeds marketed in accordance with regulation 5(1)(*b*), (*c*) or (*d*) 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 beet seeds of the kinds set out in Schedule 1 being seeds intended to be used only for the production of agricultural or horticultural crops.

(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,

and under that arrangement the whole of the material produced from the seeds (whether directly or indirectly) and any unused seeds become or remain the property of the first person, these Regulations shall not apply to the marketing of the seeds 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 seeds produced (whether directly or indirectly) from those seeds.

Marketing of seeds

5.—(1) Subject to the provisions of this regulation, a person shall not market any seeds unless they are seeds of plant varieties which may, for the time being, be marketed in accordance with regulation 31 of the Seeds (National Lists of Varieties) Regulations 1982 unless they are marketed in seed lots or in parts of seed lots and unless they are—

(*a*) Uncertified Pre-basic Seed, Pre-basic Seed, Basic Seed or Certified Seed; or

(*b*) seeds which have been produced, packaged, sealed and labelled in accordance with the Beet Seeds Regulations 1993(**a**); or

(**a**) S.I. 1993/2006

(*c*) seeds which have been produced and packaged in a member State other than the United Kingdom, which have been labelled appropriately in accordance with the requirements of regulation 9(1), (2), (3), (4), (6), (7), (8), (9) and (11) and which—

(i) in the case of a small package of seeds or a small EEC package of seeds, have been sealed in accordance with the requirements of regulation 8(3); or

(ii) in the case of all other seeds, have been officially sealed in a member State other than the United Kingdom; or

(*d*) seeds which have been produced elsewhere than in a member State and which are marketed in accordance with, and subject to, the conditions imposed by a general licence granted by the Department under the authority of this paragraph, which said licence shall have effect during the period specified in it unless the Department earlier revokes it.

(2) Paragraph (1) shall not prevent the marketing of seeds to which these Regulations apply included in a mixture of seeds permitted by the Fodder Plant Seeds Regulations (Northern Ireland) 1994(**a**), provided that each constituent of such a mixture, to which these Regulations apply, shall consist of seeds meeting the requirements of paragraph (1).

(3) The Department may, by a general licence which may impose conditions and which shall have effect during the period specified in it unless the Department earlier revokes it—

(*a*) authorise any person to market as Pre-basic Seed, Basic Seed or Certified Seed, seeds which fail in some respect to comply with the requirements set out in Schedule 4 or Part II of Schedule 5 in relation to such seeds;

(*b*) authorise any person to market a package of seeds which fails in some respect to comply with the requirements set out in Schedule 6 in relation to the labelling of such packages;

(*c*) authorise any person to market seeds which, notwithstanding the requirements of the Seeds (National Lists of Varieties) Regulations 1982 for the time being in force, are of a variety not entered in a National List or in the Common Catalogue;

(*d*) authorise any person to market seeds in respect of which an official certificate has not been issued in accordance with paragraph 1 of Schedule 2,

provided that in all other respects, unless expressly otherwise stated in the licence, the provisions of these Regulations shall apply in relation to the marketing of the seeds.

(4) Any person may market to a person engaged in the business of trading in seeds other than by way of retail sale, seeds which have been imported from a country other than a member State notwithstanding that a general licence has not been granted by the Department under the authority of paragraph (1)(*d*).

(**a**) S.R. 1994 No. 252