1994 No. 250

SEEDS

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

Revocation

2. The Vegetable 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 vegetables 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 a plant variety was entered in a 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. 297
(**e**) O.J. C160A, 26.6.92 Supplement in O.J. C318A, 4.12.92

"maintenance" in regulation 9(10) means a method of maintaining Standard Seed of a plant variety entered in a National List or in the Common Catalogue, such method being designated by a name applied by the person responsible for it;

"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 vegetables 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;

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

"small package" means a package of Certified Seed or Standard Seed containing a net weight of not more than 5 kilograms of seeds as regards runner bean, French bean, pea or broad bean, 500 grams of seeds as regards onion, asparagus, spinach beet or leaf beet or chard, red beet or beetroot, turnip, gourd, marrow, carrot, spinach or radish and 100 grams of seeds as regards other kinds of vegetables.

(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 to be used 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;

"Standard Seed" means seeds which—

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

(*b*) satisfy the requirements for Standard Seed set out in Part II of Schedule 4.

(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 vegetable 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, Certified Seed or Standard Seed; or

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

(*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), (4), (5), (6), (7), (8), (9), (10) and (12) and which—

(**a**) S.I. 1993 No. 2008

(i) in the case of Standard Seed or a small 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—

(i) Standard Seed which has been sealed in accordance with regulation 8(3) and labelled in accordance with regulation 9(6) and (7); or

(ii) seeds 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 licence shall have effect during the period specified in it unless the Department earlier revokes it.

(2) Except as provided in paragraph (3), a person shall not market any seeds comprising a mixture of kinds of seeds or varieties of seeds of the same kind.

(3) Mixtures of different varieties of Standard Seed of lettuce or of different varieties of Standard Seed of radish may be marketed, subject to compliance with the additional requirement as to labelling in Part III of Schedule 6, in packages containing not more than 50 grams of seed and paragraph (1) shall not prevent the marketing of a kind or variety of vegetable seeds included in mixtures of seeds permitted by the Fodder Plant Seeds Regulations (Northern Ireland) 1994(**a**), provided that each constituent of such mixture, to which these Regulations apply, shall consist of seeds meeting the requirements of paragraph (1).

(4) 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, Certified Seed or Standard 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, 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,

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