1976 No. 300

SEEDS

Cereal Seeds Regulations (Northern Ireland) 1976

Made . . . . . *5th October* 1976

Coming into operation . . . *26th October* 1976

The Department(a) of Agriculture, in exercise of the powers vested in it by sections 1, as amended by Article 3 of and Schedule 3 to the European Communities (Agriculture) Order (Northern Ireland) 1972(b), 4 and 9 of the Seeds Act (Northern Ireland) 1965(c) and of all other powers enabling it in that behalf, and 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) 1976 and shall come into operation on 26th October 1976.

Revocation

2. The Cereal Seeds Regulations (Northern Ireland) 1974(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;

"The Department" means the Department of Agriculture;

"Higher Voluntary Standard" means the standards so described in Schedule 2 in relation to the seeds, being standards which the seeds satisfy and which in relation to Parts I and II of the said Schedule, they have, on official examination, been shown to satisfy;

"maintainer" means a person who is indicated in a National List or in the Common Catalogue as responsible for the maintenance of the particular cereal variety;

"marketing" includes, as the context shall permit, 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;

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) S.R. & O. (N.I.) 1972 No. 351 (p. 1740)
(c) 1965 c. 22 (N.I.)
(d) S.R. 1974 No. 148 (I, p. 569)

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

"National List" means a list of varieties of kinds of cereals published in accordance with the Seeds (National Lists of Varieties) Regulations 1973(e) or any regulations superseding those Regulations;

"official examination" as respects seeds harvested in the United Kingdom means in relation to Northern Ireland an examination carried out by or on behalf of the Department, subject to the payment of any fee imposed by regulations made under the Act, or in relation to England and Wales by or on behalf of the Minister of Agriculture Fisheries and Food or, in relation to Scotland, the Secretary of State and as respects seeds harvested elsewhere than in the United Kingdom, an examination approved by the Department;

"official label" and "official notice" mean respectively a label and a notice prepared by or on behalf of the Department;

"seeds" means seeds to which these Regulations refer by virtue of Regulation 4;

"small package" means a package of pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or a mixture of seeds, containing no more than a net weight of 15 kilograms of seeds.

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

"pre-basic seeds" means seeds of a generation earlier than that of basic seeds —

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

(*b*) which are intended for the production of pre-basic seeds, uncertified pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation or certified seeds of the second generation, and

(*c*) which satisfy the minimum standard requirements for basic seeds set out in Schedule 2 and which have, on an official examination, been found to satisfy the minimum standard requirements set out in Parts I and II of the said Schedule;

"uncertified pre-basic seeds" means seeds of a generation earlier than that of basic seeds —

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

(*b*) which are intended for the production of pre-basic seeds, uncertified pre-basic seeds or basic seeds;

"basic seeds" means —

(*a*) seeds of oats, barley, rye, wheat, hard wheat and spelt wheat,

(i) which have been produced by or under the responsibility of the maintainer,

(ii) which are intended to be used for the production of certified seeds, certified seeds of the first generation or certified seeds of the second generation, and

(e) S.I. 1973/994 (1973 II, p. 3024)

(iii) which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

(*b*) seeds of open pollinated varieties of maize,

(i) which have been produced by or under the responsibility of the maintainer,

(ii) which are intended to be used for the production of certified seeds of the same variety, top cross hybrids or inter-varietal hybrids, and

(iii) which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

(*c*) seeds of inbred lines of maize,

which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

(*d*) seeds of single cross, hybrids of maize,

(i) which are intended to be used for the production of double cross hybrids, three way cross hybrids or top cross hybrids, and

(ii) which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

"certified seeds" means seeds of rye and maize —

(*a*) which have been produced directly from basic seeds or, with the approval of the maintainer, from pre-basic seeds,

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

(*c*) which satisfy the requirements for certified seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

"certified seeds of the first generation" means seeds of oats, barley, wheat, hard wheat and spelt wheat —

(*a*) which have been produced directly from basic seeds or, with the approval of the maintainer, from pre-basic seeds,

(*b*) which are intended either for the production of certified seeds of the second generation or to be used mainly for the production of plants or parts of plants for human or animal consumption, and

(*c*) which satisfy the requirements for certified seeds of the first generation set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

"certified seeds of the second generation" means seeds of oats, barley, wheat, hard wheat and spelt wheat —

(*a*) which have been produced directly from basic seeds, certified seeds of the first generation or, with the approval of the maintainer, from pre-basic seeds,

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

(*c*) which satisfy the requirements for certified seeds of the second generation set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule.

(4) In these Regulations, in relation to the varieties, inbred lines and hybrids of maize —

"open pollinated variety" means a sufficiently uniform and stable variety;

"inbred line" means a sufficiently uniform and stable line, obtained either by artificial self-fertilisation together 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;

"double cross hybrid" means the first generation of a cross between two simple hybrids, 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;

"top cross hybrid" means the first generation of a cross between either an inbred line or a single cross hybrid and an open pollinated variety, defined by the maintainer;

"inter-varietal hybrid" means the first generation of a cross between plants grown from basic seeds of two open pollinated varieties, defined by the maintainer.

Seeds to which the Regulations apply

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to cereal seeds of the kinds set out in Schedule 1 being seeds intended to be used only for the production of agricultural 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, provided that the identity of the seeds is stated by the person by whom they are marketed.

(3) Where a person makes arrangements under which some other person uses seeds under the control of the first-mentioned person for the purpose of increasing the first-mentioned person's stock of seeds for sowing or of carrying out tests or trials and under which the whole of the material produced, directly or indirectly, from the seeds, and any unused seeds, become or remain the property of the first-mentioned person these Regulations shall not apply to the marketing of the seeds by the first-mentioned person to the other person as part of the arrangements or to the marketing by that other person to the first-mentioned person of seeds produced, directly or indirectly, from those seeds.

Marketing of Seeds

5.—(1) Subject to the provisions of this regulation no person shall market any seeds unless they are seeds of plant varieties which may be marketed in accordance with Regulation 31 of the Seeds (National Lists of Varieties) Regulations 1973 or any Regulations superseding those Regulations and unless they are —

(*a*) pre-basic seeds, uncertified pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation or certified seeds of the second generation,

(*b*) seeds which have been produced, packaged and officially sealed in a Member State other than the United Kingdom and labelled appropriately in accordance with the requirements of regulation 9(1), (2), (3), (5), (8) and (10),

(*c*) 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.

(2) Paragraph (1) of this regulation shall not prevent the marketing of:—

(*a*) a mixture of kinds or varieties of seeds to which these Regulations apply, or

(*b*) kinds or varieties of cereal seeds included in mixtures of seeds permitted by the Fodder Plant Seeds Regulations (Northern Ireland) 1974(f) or any regulations superseding those Regulations, provided that each of the constituents to which these Regulations apply consists of seeds marketed in accordance with paragraph (1).

(3) The Department may, by a general licence taking effect during a period specified in the licence and subject to any conditions imposed by the licence,

(*a*) authorise any person to market as pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation or certified seeds of the second generation, seeds which fail in some respect to satisfy the requirements for such seeds set out in Schedule 2,

(*b*) modify in relation to those seeds the labelling requirements set out in Schedule 5, or

(*c*) authorise any person to market seeds which, notwithstanding the requirements of The Seeds (National Lists of Varieties) Regulations 1973 or any regulations superseding those Regulations are of a variety not entered in a National List or in the Common Catalogue,

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

(4) Any person may market in relation to a sale or proposed sale 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 such marketing would otherwise be prohibited by paragraph (1)(*c*).

(f) S.R. 1974 No. 147 (I, p. 538)