1976 No. 299

SEEDS

Fodder Plant Seeds Regulations (Northern Ireland) 1976.

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

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

The Department of Agriculture(a) 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 every other power 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 Fodder Plant Seeds Regulations (Northern Ireland) 1976 and shall come into operation on 26th October 1976.

Revocation

2. The Fodder Plant 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 they have on an official examination been found 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 fodder plant 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;

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8
(b) S.R. & O. (N.I.) 1972 No. 351 (p. 1740)
(c) 1965 c. 22 (N.I.)
(d) S.R. 1974 No. 147 (I, p. 538)

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

"National List" means a list of varieties of kinds of fodder plants 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 Mininster 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 apply by virtue of Regulation 4;

"small package" means, until the 30 June 1977, a package of seeds containing no more than a net weight of 15 kilograms of seeds and, from the 1st July 1977, a package of seeds containing no more than a net weight of 15 kilograms of pre-basic seeds, basic seeds or a mixture of seeds for agricultural use;

"small EEC A package" means a package of seeds containing no more than a net weight of 2 kilograms of a mixture of seeds not intended for agricultural use, excluding the weight of any granulated pesticides, pelleting substances or other solid additives;

"small EEC B package" means a package of seeds containing no more than a net weight of 10 kilograms of certified seeds or commercial seeds or, where the package is not a small EEC A package, a mixture of seeds not intended for agricultural use, excluding in each case the weight of any granulated pesticides, pelleting substances or other solid additives;

(2) In these Regulations,—

"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 or certified seeds, and

(*c*) which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy these requirements;

"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 seeds—

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

(*a*) which have been produced—

(i) by or under the responsibility of the maintainer, or

(ii) under the supervision of the Department from seeds recognised by it to be of a local variety

(*b*) which are intended for the production of certified seeds, and

(*c*) which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy those requirements;

"certified seeds" means seeds which are either—

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

(*b*) seeds of field peas or field beans or, in accordance with and subject to the conditions imposed by a general licence granted by the Department, seeds of other kinds, which have been produced directly from certified seeds and which are intended for the production of certified seeds or for the production of plants

being in either case seeds which satisfy the requirements for certified seeds set out in Schedule 2 and which have on an official examination been found to satisfy those requirements;

"commercial seeds" means seeds of the following kinds—

Grasses	*Legumes*
	Herbage
Velvet bent	Bird's foot trefoil
Red top	White lupin
Creeping bent	Blue lupin
Brown top	Yellow lupin
Tall oatgrass	Black medick, Trefoil
Sheep's fescue	Sainfoin
Annual meadowgrass	Alsike clover
Wood meadowgrass	Hungarian vetch
Rough-stalked meadowgrass	Common vetch
	Hairy vetch
	Pulses
	Field bean

(*a*) which are identifiable as to their kinds and

(*b*) which satisfy the requirements for commercial seeds set out in Schedule 2 and which have on an official examination been found to satisfy those requirements.

Seeds to which the Regulations apply

4.—(1) Subject to paragraphs (2) and (3) those requirements apply to fodder plant seeds of the kinds set out in Schedule 1.

(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 or commercial seeds; or

(*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); or

(*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) shall not prevent the marketing of—

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

(*b*) a mixture of kinds or varieties of seeds to which these Regulations apply and any other seeds meeting the requirements of the Seeds Regulations pertaining to those seeds,

provided that each constituent 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 or commercial seeds, 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 a proposed sale to a person engaged in the business of trading in seeds otherwise 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 virtue of paragraph (1)(*c*).

(5) Notwithstanding the requirements in Part II of Schedule 2 that basic seeds shall attain the minimum standards of germination specified in the said Schedule any person may, subject to the requirements of regulation 9(2)(*b*) and (6), market as pre-basic seeds or basic seeds, seeds which in other respects satisfy the requirements for basic seeds set out in the said Schedule but which attain a lower percentage of germination than that specified in the said Schedule in relation to seeds of that kind.

(6) In a case where the official examination in respect of the germination of a proposed consignment of seeds has not been completed, but a preliminary test of germination has shown that the seeds attain the appropriate minimum standard of germination specified in Schedule 2 and the seeds in other respects satisfy the appropriate requirements of the said Schedule, the seeds may, subject to the requirements of regulations 9(6) and 10 be sold. In the event of any such sale the seller of the seeds shall, upon or before delivering them to the purchaser, provide him with a statement that the seeds are marketed before the completion of the official germination test together with the result of the preliminary test of germination, and shall provide him with the result of the completed official germination test as soon as practicable, and in any case not later than seven days after being informed of the result.

(7) Paragraphs (5) and (6) shall not apply to seeds which have been imported from a country other than a Member State unless they were produced directly from pre-basic seeds or basic seeds certified in a Member State.

(8) Notwithstanding the requirements of regulations 31(1) and (2) of the Seeds (National Lists of Varieties) Regulations 1973 or the equivalent provision in any regulations superseding those regulations commercial seeds may be marketed which are not of a variety which is entered in a National List or the Common Catalogue or which are marketed otherwise than under a varietal name.

Sampling

6.—(1) A sample of seeds taken for the purposes of an official examination or, subject to paragraph (3) for the enforcement of these Regulations shall be taken in accordance with the procedure set out in Part I of Schedule 3.

(2) A sample of seeds taken for the enforcement of these Regulations shall be divided into three parts of which one part shall be delivered or sent to the owner of the seeds or his representative, one part shall be delivered or sent to the Chief Officer of an Official Seed Testing Station and the remaining part shall be retained and be available for production to a court in accordance with section 9(7) of the Act: provided that, where it appears to the person taking the sample that the seeds from which the sample has been taken were purchased for use and not for re-sale, the first part of the sample shall be delivered or sent to the last seller of the seeds or to his representative in place of the owner of the seeds or his representative.