1976 No. 298

SEEDS

Oil and Fibre 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 conferred on 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 Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1976, and shall come into operation on the 26th October 1976.

Revocation

2. The Oil and Fibre 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 agriculture plants published in the Official Journal of the European Communities;

"the Department" means the Department of Agriculture;

"maintainer" means a person who is indicated in a National List or in the Common Catologue as responsible for the maintenance of the particular oil or fibre 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 or parts of plants for human or animal consumption or for industrial use;

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

(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. 150 (I, p. 616)

"National List" means a list of varieties of kinds of oleaginous and fibrous 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 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;

"small package" means a package of seeds containing no more than a net weight of 15 kilograms of seeds.

"seeds" means seeds to which these Regulations apply by virtue of Regulation 4.

(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, certified seeds, certified seeds of the first generation, certified seeds of the second generation or, as regards flax and linseed, certified seeds of the third generation, 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;

"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—

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

(*b*) which are intended for the production of certified seeds or certified seeds of the first generation, certified seeds of the second generation or, as regards flax and linseed, certified seeds of the third generation, 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 of turnip rape, swede rape, brown mustard, black mustard, white mustard or sunflower—

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

(*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 those requirements;

"certified seeds of the first generation" means seeds of soya bean, flax or linseed—

(*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 or for industrial use or for the production of certified seeds of the second generation or, as regards flax and linseed, certified seeds of the third generation, 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 those requirements;

"certified seeds of the second generation" means seeds of soya bean, flax or linseed—

(*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 or for industrial use or, as regards flax and linseed, for the production of certified seeds of the third generation, 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 those requirements;

"certified seeds of the third generation" means seeds of flax or linseed—

(*a*) which have been produced directly from basic seeds, certified seeds of the first generation or certified seeds of the second 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 or for industrial use, and

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

"commercial seeds" means seeds of brown mustard, black mustard, white mustard or soya bean—

(*a*) which are identifiable as to their kind, 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) these Regulations apply to oil and fibre plant seeds of the kinds set out in Schedule 1, being seeds intended to be used only for the production of agricultural or horticultural crops other than for ornamental purposes.

(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, certified seeds of the second generation, certified seeds of the third generation 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 kinds of varieties of oil and fibre plant seeds included in mixtures of seeds permitted by the Fodder Plant Seeds Regulations (Northern Ireland) 1974(f) or any Regulations superseding those Regulations, where 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,

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

(*a*) authorise any person to market as pre-basic seeds, uncertified pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation, certified seeds of the third generation 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 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 virtue of paragraph (1) (*c*).

(5) Notwithstanding the requirement 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 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, basic seeds, certified seeds of the first generation or certified seeds of the second generation certified in a Member State.

(8) Notwithstanding the requirements of regulation 31(1) and (2) of the Seeds (National Lists of Varieties) Regulations 1973 or the equivalent provisions 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.