1976 No. 297

SEEDS

Vegetable 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 conferred on it by sections 1, as amended by 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 Vegetable Seeds Regulations (Northern Ireland) 1976 and shall come into operation on the 26th October 1976.

Revocation

2. The Vegetable Seeds Regulations (Northern Ireland) 1973(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;

"the Department" means the Department of Agriculture;

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

"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. & O. (N.I.) 1973 No. 232 (I, p. 1165)

"National List" means the list of varieties of vegetables published in accordance with the Seeds (National List of Varieties) Regulations 1973(e);

"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 apply by virtue of Regulation 4;

"small package" means a package containing no more than a net weight of seeds of 5 kilograms as regards pulses, 500 grams as regards onion, asparagus, spinach beet or leaf beet or chard, red beet or beetroot, turnip, marrow, carrot and radish and 100 grams as regards other kinds of vegetables.

(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,

(*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—

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

(*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 these requirements;

"certified seeds" means seeds—

(*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

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

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

"standard seeds" means seeds which are intended to be used mainly for the production of plants or parts of plants for human or animal consumption and which satisfy the requirements for standard seeds set out in Schedule 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 reasearch 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 these seeds.

Marketing of Seeds

5.—(1) Subject to the provisions of this regulation no person shall market any seeds which have been produced in a Member State unless they are pre-basic seeds, uncertified pre-basic seeds, basic seeds, certified seeds or standard seeds.

(2) No person shall market any seeds which have been produced elsewhere than in a Member State unless they are—

(*a*) standard seeds, or

(*b*) pre-basic seeds, basic seeds or certified seeds marketed in accordance with and subject to the conditions imposed by a general licence granted by the Department.

(3)(*a*) Except as provided in paragraph (*b*) no person shall market any seeds comprising a mixture of varieties of seeds of the same kind,

(*b*) Subject to compliance with the additional requirement as to labelling in Part III of Schedule 5, mixtures of varieties of standard seeds of lettuce or of radish may be marketed in packages containing no more than 50 grams of seeds.

(4) 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 standard 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 seeds.

(5) Any person may market in relation to a sale or 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 (2).

(6) Notwithstanding the requirement in 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 paragraph (6) of Regulation 9, 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.

(7) In a case where the official examination in respect of the germination of a proposed consignment of pre-basic seeds, basic seeds or certified seeds has not been completed but a provisional germination test 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 Schedule 2 the seeds may, subject to the requirements of Regulations 9(6) and 10(3), be sold to the first consignee.

(8) Paragraph (6) and (7) of this regulation shall apply to seeds which have been imported from a country other than a Member State if they were produced directly from pre-basic seeds or basic seeds certified in a Member State.

(9) Notwithstanding the requirements of Regulation 31(1) and (2) of the Seeds (National Lists of Varieties) Regulations 1973 certified seeds and standard seeds of asparagus and of chicory 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 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 resale, 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.

(3) Subject to paragraph (4) of this regulation the weight of a sample taken for the enforcement of these regulations shall be such as to ensure that each of the parts into which it is divided is of not less than the minimum weight indicated in Schedule 3 and the sample shall be divided accordingly.

(4) Where the seeds of which a sample is to be taken are contained in small packages the sample may consist of the contents of fifteen of such packages.

Certificates of taking and testing of a sample

7.—(1) A Certificate in the form set out in Part I of Schedule 4 of the taking of a sample of seeds, is hereby prescribed for the purpose of section 9(3) of the Act.

(2) A certificate in the form set out in Part II of Schedule 4 of the result of a test of a sample of seeds taken for the enforcement of these regulations, is hereby prescribed for the purpose of section 7(3) of the Act.

Sealing of packages

8.—(1) No person shall market a package of pre-basic seeds or of basic seeds or a package, other than a small package, of certified seeds unless it has been, not later than at the time of sampling, sealed by a person authorised by the Department in that behalf with a sealing device (which may be an adhesive label) in such a manner that when the package is opened the sealing device will be broken and cannot be replaced.

(2) If a package of seeds which has been sealed in accordance with paragraph (1) of this regulation shall have been opened it may only be re-sealed or further re-sealed by a person authorised by the Department in that behalf.

(3) No person shall market a package of uncertified pre-basic seeds or of standard seeds or a small package of certified seeds unless it has been sealed with a sealing device approved by the Department and in such a manner that when the package is opened the sealing device will be broken and cannot be replaced.

Labelling of packages

9.—(1) Subject to paragraph (10) no person shall market any seeds except in a package, which is labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2)(*a*) Subject to the exception in sub-paragraph (*b*) a package of pre-basic seeds or of basic seeds or a package, other than a small package of certified seeds, shall have affixed on the outside an official label, as appropriate to the seeds, which shall be of the minimum size and of the colour specified in Part I of Schedule 5, and shall contain particulars of the matters also specified in the said Part I, such label being either an adhesive label or a label secured to the package by an alternative sealing device, the label being affixed in either case by a person authorised by the Department in that behalf.