1976 No. 296

SEEDS

Beet 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 Beet Seeds Regulations (Northern Ireland) 1976, and shall come into operation on 26th October 1976.

Revocation

2. The Beet Seeds Regulations (Northern Ireland) 1974(d) are hereby revoked.

Interpretation

3.—(1) In these Regulations,—

"The Act" means the Seeds Act (Northern Ireland) 1965;

"beet seeds" means seeds of the description specified in Schedule 1;

"Common Catalogue" means the Common Catalogue of varieties of kinds of agricultural plants published in the Official Journal of the European Communities;

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

"the Department" means the Department of Agriculture;

(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. 149 (I, p. 597)

"monogerm seeds" means genetically monogerm seeds with the percentage of the germinated clusters producing single seedlings being not less than the minimum specified in Part II of Schedule 2;

"National List" means a list of varieties of kinds of beet 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;

"precision seeds" means seeds intended for use in precision drills with the percentage of seeds producing single seedlings being not less than the minimum specified in Part II of Schedule 2;

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

"small package" means a package of seeds containing no more than a net weight of 2.5 kilograms of seeds other than pelleted seeds or of 12.5 kilograms of pelleted seeds;

"small EEC package" means a package of certified seeds containing—

(*a*) in the case of monogerm or precision seeds, not more than 100,000 clusters or no more than a net weight of 2.5 kilograms, and

(*b*) in the case of seeds other than monogerm or precision seeds, no more than a net weight of 10 kilograms,

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 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;

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

"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 those requirements;

"certified seeds" means seeds—

(*a*) which have been produced directly from 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.

Seeds to which the Regulations apply

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to 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, 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 or certified 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 or varieties of beet 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 either basic seeds or certified 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 or certified 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,

(*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 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 regulation 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.

(f) S.R. 1974 No. 147

(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.

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 resale, the first part of the sample shall be delivered or sent to the last seller of the seeds or his representative in place of the owner of the seeds or his representative.

(3) The size 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 size indicated in Part II of Schedule 3 and the sample shall be divided accordingly.

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 in accordance with regulation 5(1)(*a*) a package of seeds (other than a package of uncertified pre-basic seeds, a small package or a small EEC package) 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 re-used.

(2) If a package of seeds which has been sealed in accordance with paragraph (1) or imported in accordance with regulation 5(1)(*b*) or 5(1)(*c*) shall have been opened it may not be re-sealed or further re-sealed except by a person authorised by the Department in that behalf.

(3) No person shall market a package of uncertified pre-basic seeds, a small package or a small EEC package in accordance with regulation 5(1)(*a*) unless it has been sealed with a sealing device approved by the Department in such a manner that when the package is opened the sealing device is broken and cannot be re-used.