1974. No. 150 **[C]**

SEEDS

Oil and Fibre Plant Seeds

REGULATIONS, DATED 28TH JUNE 1974, MADE BY THE DEPARTMENT OF AGRICULTURE UNDER SECTION 1 OF THE SEEDS ACT (NORTHERN IRELAND) 1965 AS AMENDED BY SCHEDULE 3 TO THE EUROPEAN COMMUNITIES (AGRICULTURE) ORDER (NORTHERN IRELAND) 1972.

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The Department of Agriculture in exercise of the powers vested in it under section 1 of the Seeds Act (Northern Ireland) 1965(**a**) as amended by Schedule 3 to the European Communities (Agriculture) Order (Northern Ireland) 1972(**b**) 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 make the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1974, and shall come into operation on the 1st day of July 1974.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires—

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

"Common Catalogue" means the Common Catalogue of varieties of kinds of agricultural plants published or to be 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 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;

and "market" and "marketed" shall be construed accordingly;

(**a**) 1965. c. 22 (N.I.). (**b**) S.R. & O. (N.I.) 1972, No. 351.

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

"National List" means a list of varieties of kinds of oleaginous and fibrous plants published in accordance with the Seeds (National List of Varieties) Regulations 1973(c);

"official examination" means 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, an examination carried by or on behalf of the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State or in relation to 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;

"pure" in relation to seeds means wholly comprised of seeds of the kind of which the seeds purport to be;

"small package" means a package of basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation, certified seeds of the third generation or of commercial 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 therein—

"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 these requirements;

"certified seeds" means seeds of turnip rape, swede rape, brown mustard, black mustard, white mustard, or sunflower—

(*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 these 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) S.I. 1973, No. 994.

(*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 these 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 these 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 these 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 seed set out in Schedule 2 and which have on an official examination been found to satisfy these requirements;

"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 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 responsibilities of the maintainer;

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

3.—(1) Subject to paragraph (2) 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.

Marketing of seeds

4.—(1)(*a*)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, certified seeds of the first generation, certified seeds of the second generation, certified seeds of the third generation or commercial seeds;

(*b*) Sub-paragraph (*a*) shall not take effect until the 1st July 1976 in relation to seeds other than pre-basic seeds, uncertified pre-basic seeds or basic seeds where such seeds satisfy the requirements set out in Part II of Schedule 2 relating to certified seeds, certified seeds of the second generation or, in the case of brown mustard, black mustard, white mustard and soya bean, relating to commercial seeds and where such seeds are marketed after the 30th September 1974 they shall have, on an official examination, been shown to satisfy these requirements.

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

(*a*) seeds marketed before the 1st July 1976, not being 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*) 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 marketed in accordance with and subject to the conditions imposed by a general licence granted by the Department:

Provided that seeds marketed in accordance with sub-paragraph (*a*) shall satisfy the requirements set out in Part II of Schedule 2 relating to certified seeds, certified seeds of the second generation or, in the case of brown mustard, black mustard, white mustard and soya bean, relating to commercial seeds and, where such seeds are marketed after the 30th September 1974, they shall have on an official examination, been shown to satisfy these requirements.

(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, authorise any person to market as 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, commercial seeds or as seeds marketed in accordance with paragraph (1)(*b*) or (2)(*a*), seeds