1974. No. 149 **[C]**

SEEDS

Beet 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.

ARRANGEMENT OF REGULATIONS

Regulation

1 Citation and commencement
2 Interpretation
3 Seeds to which the regulations apply
4 Marketing of seeds
5 Sampling
6 Certificates of taking and testing of a sample
7 Sealing of packages
8 Labelling of packages
9 Civil liabilities of sellers of seeds

SCHEDULES

FIRST SCHEDULE	Requirements for basic seeds and certified seeds
Part I	Conditions relating to the crop from which the seeds are obtained
Part II	Conditions relating to the seeds
SECOND SCHEDULE	Sampling
Part I	Procedure for the taking of samples
Part II	Maximum weight of a lot and minimum weight of a sample
THIRD SCHEDULE	
Part I	Certificate of the taking of a sample of seeds
Part II	Certificate of the result of a test of seeds
FOURTH SCHEDULE	Labels
Part I	Official label for a packet of basic seeds or certified seeds
Part II	Official label for a package of pre-basic seeds

Part III	Supplier's label for a package of uncertified pre-basic seeds
Part IV	Supplier's label for a small package of certified seeds
Part V	Particulars to be given with a package of seeds sold in accordance with Regulation 8(5)
Part VI	Particulars to be marked or displayed on the sale of unpacketed seeds
FIFTH SCHEDULE	Limits of variation

The Department of Agriculture in exercise of the powers conferred on it by 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 makes the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Beet Seeds Regulations (Northern Ireland) 1974 and shall come into operation on 1st July 1974.

Interpretation

2. In these Regulations, unless the context otherwise requires—

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

"beet seeds" means seeds of sugar beet and fodder beet (including mangel) of the species *Beta vulgaries* L;

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

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

"monogerm seeds" mean 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 1;

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

"National List" means a list of varieties of kinds of beet published in accordance with the Seeds (National Lists 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 out by or on behalf of the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland 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;

"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 1;

"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 certified seeds containing no more than a net weight of $2\frac{1}{2}$ kilograms of seeds other than pelleted seeds or of $12\frac{1}{2}$ kilograms of pelleted seeds.

(3) 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; and

(*c*) which satisfy the requirements for basic seeds set out in Schedule 1 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

(*c*) which satisfy the requirements for certified seeds set out in Schedule 1 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 or certified seeds,

(*c*) which satisfy the requirements for basic seeds set out in Schedule 1 and which have on an official examination been found to satisfy these requirements;

(c) S.I. 1973, No. 994.

"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.

Seeds to which the regulations apply

3.—(1) Subject to paragraph (2) these regulations apply to beet 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.

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 or certified 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 1 relating to certified 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 or certified 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:

Provided that seeds marketed in accordance with sub-paragraph (*a*) shall satisfy the requirements set out in Part II of Schedule 1 relating to certified seeds and, where such seeds are marketed after the 30th September 1974, they 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 or seeds marketed in accordance with paragraphs (1)(*b*) or (2)(*a*), seeds which fail in some respect to satisfy the requirements for such seeds set out in Schedule 1 to market seeds which, notwithstanding the requirements of the Seeds (National Lists of Varieties) Regulations 1973, 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) Notwithstanding the requirement in Schedule 1 that basic seeds shall attain the minimum standards of germination specified in the said Schedule any person may, subject to the requirements of paragraphs (2)(*b*) and (7) of Regulation 8, 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.

(5) In a case where the official examination in respect of the germination of a proposed consignment of seeds has not been completed and the Department has been informed of the name and address of the first consignee and provided with a provisional report in respect of such germination he may, if the seeds in other respects satisfy the appropriate requirements of Schedule 1, authorise the sale of the seeds as pre-basic seeds or basic seeds or certified seeds, as the case may be, to the said consignee.

(6) Paragraphs (4) and (5) 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

5.—(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 2.

(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 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 2 and the sample shall be divided accordingly.

Certificates of taking and testing of a sample

6.—(1) A certificate in the form set out in Part I of Schedule 3 of the taking of a sample of seeds is hereby prescribed in accordance with section 9(3) of the Act.

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

Sealing of packages

7.—(1) No person shall market a package of pre-basic seeds, basic seeds or a package, other than a small package, of certified seeds, unless it has