1974. No. 148 **[C]**

SEEDS

Cereal 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 makes the following regulations:—

Citation and commencement

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

"higher voluntary standard" means the standards so described in Schedules 2 or 3 in relation to the seeds, being standards which the seeds satisfy and which they have on an official examination been found to satisfy;

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

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

(*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;

"National List" means a list of varieties of kinds of cereals 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 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" means 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 or a mixture of 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—

(*a*) seeds of oats, barley, rye, wheat, hard wheat and spelt wheat,

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

(ii) which are intended to be used for the production of certified seeds, certified seeds of the first generation or certified seeds of the second generation, and

(iii) which satisfy the requirements for basic seeds set out in Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

(*b*) seeds of open pollinated varieties of maize—

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

(ii) which are intended to be used for the production of certified seeds of the same variety, top cross hybrids or inter-varietal hybrids, and

(iii) which satisfy the requirements for basic seeds set out in Schedule 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

(*c*) seeds of inbred lines of maize,

which satisfy the requirements for basic seeds set out in Schedule 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

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

(*d*) seeds of simple hybrids of maize—

(i) which are intended to be used for the production of double hybrids, triple-cross hybrids or top cross hybrids, and

(ii) which satisfy the requirements for basic seeds set out in Schedule 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

"certified seeds" means seeds of rye and maize—

(*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 Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

"certified seeds of the first generation" means seeds of oats, barley, wheat, hard wheat and spelt wheat—

(*a*) which have been produced directly from basic seeds or, with the approval of the maintainer, from pre-basic seeds,

(*b*) which are intended either for the production of certified seeds of the second generation or 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 of the first generation set out in Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

"certified seeds of the second generation" means seeds of oats, barley, wheat, hard wheat and spelt wheat—

(*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 and

(*c*) which satisfy the requirements for certified seeds of the second generation set out in Schedules 2 and 3 and which have on an official examination been found to satisfy the requirements set out in Schedule 2;

"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, or certified seeds of the second generation, and

(*c*) which satisfy the requirements for basic seeds set out in Schedules 2 and 3 and which have, on an official examination, been found to satisfy the requirements set out in Schedule 2;

"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.

(3) In relation to the varieties, inbred lines and hybrids of maize—

"double hybrid" means the first generation of a cross between two simple hybrids, defined by the maintainer;

"inbred line" means a sufficiently uniform and stable line, obtained either by artificial self-fertilisation together with selection over several successive generations or by equivalent operations;

"inter-varietal hybrid" means the first generation of a cross between plants grown from basic seeds of two open pollinated varieties, defined by the maintainer;

"open pollinated variety" means a sufficiently uniform and stable variety;

"simple hybrid" means the first generation of a cross between two inbred lines defined by the maintainer;

"top cross hybrid" means the first generation of a cross between either an inbred line or a simple hybrid and an open pollinated variety, defined by the maintainer;

"triple-cross hybrid" means the first generation of a cross between an inbred line and a simple hybrid, defined by the maintainer.

Seeds to which the regulations apply

3.—(1) Subject to paragraph (2) these Regulations apply to cereal 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 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) Subject to the provisions of this Regulation no person shall market any seeds which have been produced in a Member State unless they are—

(*a*) pre-basic seeds, uncertified pre-basic seeds or basic seeds,

(*b*) certified seeds or certified seeds of the first generation marketed after the 30th June 1975,

(*c*) certified seeds of the second generation marketed after 30th June 1976, or

(*d*) seeds which satisfy the conditions in Part II of Schedule 2 relating to certified seeds of the second generation or certified seeds, as the case may be, and are marketed before the 1st July 1976.