1974. No. 147 **[C]**

SEEDS

Fodder 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 makes the following regulations:—

Citation and commencement

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

Revocation of Seeds Regulations

2. The Seeds Regulations (Northern Ireland) 1971(**c**) are hereby revoked.

(**a**) 1965. c. 22 (N.I.).
(**b**) S.R. & O. (N.I.) 1972, No. 351.
(**c**) S.R. & O. (N.I.) 1971, No. 305.

Interpretation

3.—(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 any standard so described in Schedule 2 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 fodder 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 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;

"National List" means a list of varieties of kinds of fodder plants published in accordance with the Seeds (National Lists of Varieties) Regulations 1973(**d**);

"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;

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

"small package" means a package of certified seeds, commercial seeds 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 seeds—

(*a*) which have been produced either

(i) by, or under the responsibility of the maintainer, or

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

(ii) under the supervision of the Department to be recognised by it to be of a local variety and grown within a particular clearly defined area;

(*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 which are either—

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

(*b*) which are intended for the production of plants or parts of plants for human or animal consumption,

or

(ii) (*a*) seeds of field peas or field beans or, in accordance with, and subject to the conditions imposed by a general licence granted by the Department seeds of other kinds, which have been produced directly from certified seeds, and

(*b*) which are intended for the production of certified seeds or for the production of plants or parts of plants for human or animal consumption,

being in either case seeds 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;

"commercial seeds" means seeds of the following kinds—

Grasses	*Legumes*
Velvet bent	Bird's foot trefoil
Red top	White lupin
Creeping bent	Blue lupin
Brown top	Yellow lupin
Tall oatgrass	Black medick, Trefoil
Sheep's fescue	Sainfoin
Annual meadowgrass	Alsike clover
Wood meadowgrass	Field bean
Smooth-stalked meadow-grass	Hungarian vetch
Rough-stalked meadowgrass	Common vetch
	Hairy vetch

(*a*) which are identifiable as to their kind; and

(*b*) which satisfy the requirements for commercial seeds 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 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 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.

Seeds to which the regulations apply

4.—(1) Subject to paragraph (2) these Regulations apply to seeds of the kinds set out in Schedule 1.

(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;

(*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, and

(*e*) a small package of seeds of grasses intended for use other than for agricultural purposes which is marketed before the 1st July 1976.

Marketing of seeds

5.—(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 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 or, if they are seeds of a kind which may be marketed as commercial seeds, 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 or commercial seeds; or

(*b*) pre-basic seeds, basic seeds, certified seeds 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 or, if such seeds are of a kind which may be marketed as commercial seeds, 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) Paragraph (1) shall not prevent the marketing of a mixture of seeds where each of the constituents to which these Regulations apply consists of either basic seeds, certified seeds, commercial seeds or seeds marketed in accordance with paragraphs (1)(*b*) or (2)(*a*).