1973. No. 232 **[C]**

AGRICULTURE

Seeds

REGULATIONS, DATED 9TH JULY 1973, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 1 OF THE SEEDS ACT (NORTHERN IRELAND) 1965.

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The Ministry of Agriculture on behalf of the Secretary of State and in exercise of the powers conferred on it by section 1 of the Seeds Act (Northern Ireland) 1965(a) as amended by Schedule 3 of 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 Vegetable Seeds Regulations (Northern Ireland) 1973, and shall come into operation on the 16th day of July 1973.

Restriction of Seeds Regulations (Northern Ireland) 1971

2. The Seeds Regulations (Northern Ireland 1971(c) and in particular Schedules 1, 2, 3, 4 and 9 thereof shall cease to have effect in relation to root and vegetable seeds of the following kinds—

Beetroot
Broad bean
Brussels sprout
Cabbage
Carrot
Cauliflower (including winter and spring heading forms commonly known as broccoli)
Chicory
Celeriac
Celery
Cress
Cucumber
Dwarf bean (including climbing French or pole bean)
Endive
Garden kale (including borecole)
Garden pea
Kohl rabi
Leek
Lettuce
Melon
Onion
Parsley
Parsnip
Radish
Runner bean
Savoy
Spinach
Spinach beet (including chard)
Sprouting broccoli (including calabrese)
Sweet corn
Tomato
Turnip
Vegetable marrow

Interpretation

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

"the Act" means the Seeds Act (Northern Ireland) 1965 as amended by Schedule 3 to the European Communities (Agriculture) Order (Northern Ireland);

"basic seeds" has the meaning assigned to that expression by Regulation 5(2) of these Regulations;

"Common Catalogue" means the Common Catalogue of varieties of vegtables published or to be published in the Official Journal of the European Communities;

"marketing" includes, as the context shall permit, the offering for sale, exposing for sale, sale and possession with a view to sale of seeds, and any transaction in the course of business under which the property in seeds is transferred from one person to another and "market" and "marketed" shall be construed accordingly;

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

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

"National List" means the list of varieties of vegetables published in accordance with the Seeds (National List of Varieties) Regulations 1973(**d**);

"official examination" means an examination carried out by or on behalf of the Ministry, subject to the payment of any fee imposed by Regulations made under the Act, or, in relation to seeds harvested elsewhere than in the United Kingdom, an examination approved by the Ministry;

"official label" and "official notice" mean respectively a label and a notice prepared by or on behalf of the Ministry;

"percentage of germination" means the percentage by number of pure seeds or pure pellets which produce seedlings which have developed the structure which indicate the ability to produce mature plants under favourable conditions in the field;

"percentage of purity" means the percentage by weight of pure seeds;

"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 containing no more than a net weight of seeds of 5 kilograms as regards pulses, 500 grams as regards onion, chervil, asparagus, spinach beet, leaf beet or chard, red beet or beetroot, turnip, marrow, carrot, radish, and corn-salad or lamb's lettuce and 100 grams as regards other kinds of vegetables;

"standard seeds" has the meaning assigned to that expression by Regulation 5(2) of these Regulations.

Seeds to which the Regulations apply

4.—(1) Subject to paragraph (2) of this Regulation these Regulations apply to vegetable seeds of the kinds set out in Schedule 1 to these Regulations being seeds intended to be used only for the production of agricultural or horticultural crops.

(2) These Regulations shall not apply to any seeds which are marketed for delivery elsewhere than in a Member State.

Marketing of seeds

5.—(1) Subject to the provisions of this Regulation no person shall market any seeds of a variety of a kind to which these Regulations apply unless they are basic seeds, certified seeds or standard seeds of that variety.

(2) For the purposes of this Regulation—

"basic seeds" means seeds which have been produced by or under the authority of a person who is indicated in the National List or in the Common Catalogue as responsible for the maintenance of that variety being seeds which are intended to be used for the production of certified seeds and which, subject to paragraphs (6) and (7) of this Regulation, satisfy the requirements for basic seeds set out in Schedule 2 to these Regulations and which have on official examination satisfed those requirements;

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

"certified seeds" means seeds—

(*a*) which have been produced directly from basic seeds or, with the approval of a person who is indicated in the National List or in the Common Catalogue as responsible for the maintenance of that variety, from seeds of a generation earlier than that of basic seeds where the seeds of such earlier generation have on official examination satisfied the requirements for basic seeds set out in Schedule 2 to these Regulations,

(*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, subject to paragraphs (3) and (6) of this Regulation satisfy the requirements for certified seeds set out in Schedule 2 to these Regulations and which have on official examination satisfied those requirements;

"standard seeds" means seeds which are intended to be used mainly for the production of plants or parts of plants for human or animal consumption and which satisfy the requirements for standard seeds set out in Schedule 2 to these Regulations.

(3) The Ministry may, by a general licence taking effect during a period of 3 years beginning with the 16th July 1973, permit any person to market, as certified seeds, seeds which have been examined in accordance with the licence notwithstanding that the requirements of the definition of "certified seeds" in paragraph (2) of this Regulation have not been fully met: Provided that in all other respects the provisions of these Regulations shall apply in relation to the marketing of the seeds as they apply to the marketing of certified seeds.

(4) The Ministry 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 basic seeds, certified seeds, standard seeds or otherwise, seeds which fail in some respect to satisfy the requirements for basic seeds, certified seeds or standard seeds set out in Schedule 2 to these Regulations or which, notwithstanding the requirements of the Seeds (National Lists of Varieties) Regulations 1973 are of a variety not entered in the National List or in the Common Catalogue: Provided that in all other respects the provisions of these Regulations shall apply in relation to the marketing of the seeds.

(5) Notwithstanding paragraph (1) of this Regulation any person may market in relation to a sale or a proposed sale to a person engaged in the business of trading in seeds otherwise than by way of retail sale seeds which have been imported from a country other than a Member State.

(6) Notwithstanding the requirements in Schedule 2 to these Regulations that basic seeds attain the minimum standards of germination specified in the said Schedule the Ministry may by licence authorise any person to market, as basic seeds, seeds of a kind specified in the licence which attain a lower percentage of germination than that specified in the said Schedule in relation to seeds of that kind.

(7) In a case where the official examination in respect of the germination of a proposed consignment of seeds has not been completed and the Ministry have been supplied with a provisional report in respect of such germination they may, if the seeds in other respects satisfy the appropriate requirements of Schedule 2 to these Regulations, authorise the sale of the seeds as basic seeds or as certified seeds, as the case may be, to the first consignee.

(8) Paragraphs (6) and (7) of this Regulation shall not apply to seeds which have been imported from a country other than a Member State unless they were (*a*) produced directly from basic seeds certified in a Member State or (*b*) produced directly from seeds of a generation earlier than that of basic seeds where the seeds of such earlier generation have on an official examination satisfied the requirements for basic seeds set out in Schedule 2 to these Regulations.

(9)(*a*) Except as provided in sub-paragraph (*b*) of this paragraph no person shall market any seeds comprising a mixture of varieties of seeds of the same kind.

(*b*) Subject to compliance with the additional requirements as to labelling in Part III of Schedule 5 to these Regulations, mixtures of varieties of standard seeds of lettuce or of radish may be marketed in packages containing no more than 50 grams of seeds.

(10) Paragraph (1) of this Regulation shall not take effect in relation to—

(*a*) seeds of any generation earlier than that of basic seeds;

(*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 have not been cleared 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.

Sampling

6.—(1) A sample of seeds for the purposes of the enforcement of these Regulations shall be taken by an authorised officer in accordance with the procedure set out in Part I of Schedule 3 to these Regulations.

(2) Subject to paragraph (3) of this Regulation the minimum weight of each part into which a sample of seeds is divided in accordance with paragraph (4) of this Regulation and the maximum weight of the lot or quantity of seeds from which a sample may be taken shall be respectively equal to the weights set out opposite the reference to the particular kind of seeds in Part II of the said Schedule 3.

(3) Where the seeds of which a sample is to be taken are contained in small packages the sample may consist of fifteen of such packages.

(4) A sample of seeds shall be divided by the authorised officer into three parts of which one part shall be delivered or sent by him to the owner of the seeds or his representative, one part shall be delivered or sent to the Chief Official of an Official Seed Testing Station and the remaining part shall be retained by the authorised officer and be available for production to a court in accordance with section 9(7) of the Act.

Certificate of test of sample

7. A certificate of the result of a test of a sample of seeds taken by an authorised officer for the purposes of the Act shall be in the form set out in Schedule 4 to these Regulations.

Sealing of packages

8.—(1) No person shall market a package of seeds or a package, other than a small package, of certified seeds unless it has been sealed with a sealing device by an authorised officer in such a manner that when the package is opened the sealing device will be broken and cannot be replaced except by a further sealing device affixed by an authorised officer.