1973. No. 208 **[C]**

AGRICULTURE

Seeds: Forest Reproductive Material

REGULATIONS, DATED 28TH JUNE 1973, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 1(1) AND 1(2A), SECTION 2(1), 2(2) AND 2(3), AND SECTION 3(2) OF THE SEEDS ACT (NORTHERN IRELAND) 1965.

The Ministry of Agriculture on behalf of the Secretary of State in exercise of the powers vested in it by sections 1(1) and 1(2A), sections 2(1), 2(2) and 2(3), and section 3(2) of the Seeds Act (Northern Ireland) 1965(**a**) and all other powers 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:—

PART I

GENERAL

Citation and commencement

1.—(1) These regulations may be cited as the Forest Reproductive Material Regulations (Northern Ireland) 1973.

(2) These regulations, except the regulations mentioned in paragraph (3) of this regulation to the extent of the application of those regulations as therein specified, shall come into operation on 1st July 1973.

(3) Regulations 9, 10, 11, and 12(1)(*a*),—

(*a*) in so far as they apply to seed and cones of such of the genera and species listed in Schedule 1 as are coniferous collected before 1st July 1973, shall come into operation on 1st July 1975; and

(*b*) in so far as they apply to young plants raised from seed collected, or parts of plants taken, before 1st July 1973, shall come into operation on 1st July 1977.

Restriction of the Seeds Regulations (Northern Ireland) 1971

2. The Seeds Regulations (Northern Ireland) 1971(**b**) shall cease to have effect in relation to the forest tree seeds specified in the First Schedule thereto.

Interpretation

3. In these regulations, unless the context otherwise requires,—

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

"basic material" means—

(*a*) in relation to forest reproductive material produced by sexual means, stands of trees and conservation seed orchards, and

(*b*) in relation to forest reproductive material produced by vegetative means, clones;

"cones" means cones containing seed;

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

"conservation seed orchard" means an orchard raised artificially from one or more officially approved stands of trees in the same region of provenance and intended for the production of seed;

"forest reproductive material" means—

(*a*) seed and cones intended for the production of plants,

(*b*) parts of plants intended for the production of plants, and

(*c*) young plants raised from seed or from parts of plants, natural seedlings and sets,

derived from basic material of the genera and species specified in Schedule 1;

"marketing" means exposure for sale, offer for sale, sale or delivery, and "marketed" shall be construed accordingly;

"Member State" means a state, other than the United Kingdom, which is a member of the European Communities;

"Ministry" means Ministry of Agriculture for Northern Ireland;

"Northern Ireland Register" means the Northern Ireland Register of Basic Material for the Production of Forest Reproductive Material established in accordance with regulation 5;

"official testing station" means the official testing station established by the Ministry of Agriculture for Northern Ireland;

"origin" means the place in which an indigenous stand of trees is growing, or the place from which a non-indigenous stand was originally introduced;

"parts of plants" means cuttings, layers and scions;

"percentage of germination" means the percentage by number of pure seed which in the course of a germination test produce seedlings which have developed structures which indicate the ability to produce mature plants under favourable conditions in the field;

"percentage of purity" means the percentage by weight of pure seed as ascertained in a seed test;

"provenance" means the place in which any stand of trees, whether indigenous or non-indigenous, is growing;

"pure seed" means whole seeds of the kind which the seed purport to be (including any such seeds which are immature, shrivelled, sprouted, cracked, insect-damaged, diseased or otherwise injured provided they can be definitely identified as the species under consideration) and pieces of such seeds larger than one-half of the original size of the whole seed but excluding, in the case of conifers, seeds and pieces of seeds from which the seed coat is entirely removed;

"region of provenance" means—

(*a*) for a species, a sub-species or distinct variety, the whole geographical area of Northern Ireland, and

(*b*) for a conservation seed orchard, the region of provenance of the basic material used for the creation of the orchard;

"seed" includes fruits;

"Test Certificate" means a test certificate issued under regulation 8;

"the Tribunal" means the Plant Varieties and Seeds Tribunal established by section 10 of, and Schedule 4 to, the Plant Varieties and Seeds Act 1964(c).

(c) 1964. c. 14.

Application

4.—(1) These regulations shall not apply to—

(*a*) seed or cones collected or marketed for export to countries other than Member states; or

(*b*) parts of plants or young plants taken, raised or marketed for purposes other than the production of wood.

(2) Regulations 9, 10, 11, and 12(1)(*a*) shall not apply to parts of plants or young plants taken, raised or marketed for export to countries other than Member States.

PART II

REGISTRATION OF BASIC MATERIAL, TESTING OF SEED AND DELINEATION OF REGIONS OF PROVENANCE

National Register of Basic Material

5.—(1) The Ministry shall establish and maintain an official register of basic material in Northern Ireland to be known as the Northern Ireland Register of Basic Material for the Production of Forest Reproductive Material (hereafter in these regulations referred to as "the Northern Ireland Register") which shall be kept at the Ministry's Headquarters at Dundonald House, Belfast, and in which shall be recorded the particulars of such basic material as may be approved and accepted by the Ministry for registration.

(2) A copy of the Northern Ireland Register shall be held at the official testing station, and at every District Forest Office in Northern Ireland.

(3) The Ministry shall provide reasonable facilities for inspecting the Northern Ireland Register and each of the copies thereof mentioned in paragraph (2) of this regulation, and for taking copies of and extracts from them.

Registration of basic material

6.—(1) An owner of basic material seeking approval and registration thereof in the Northern Ireland Register shall apply in writing to the Ministry who, upon receiving payment of its fee for its services in connection with such application, shall arrange for an inspection of the basic material to be made by a Forestry officer of the Ministry.

(2) The Ministry shall not approve basic material for registration unless they are satisfied, having regard to the inspecting officer's report and to the criteria set out in Schedule 2, that its qualities are such as to make it suitable for reproductive purposes and that it has no characteristics undesirable for the production of wood.

(3) If the basic material inspected is approved for registration the Ministry shall register it in the Northern Ireland Register.

(4) The Ministry may at any time remove basic material from the Northern Ireland Register if they are satisfied that it should be so removed having regard to the matters mentioned in paragraph (2) of this regulation.

Appeals against refusal to register or removal from the Northern Ireland Register

7.—(1) Where the Ministry proposes to make a decision

(*a*) to refuse to register basic material submitted for registration, or

(*b*) to remove basic material from the Northern Ireland Register,

the Ministry shall give to the owner of the basic material notice of the proposal together with the reasons for it; and the owner may, within 28 days from the day on which the notice is given, submit to the Ministry representations in writing or a written request to be permitted to appear before them to make oral representations with respect to the proposal.

(2) Where, within the period specified in paragraph (1) above, the owner of the basic material shall request permission to make oral representations, the Ministry shall give him an opportunity to be heard either in person or by any person authorised by him in that behalf.

(3) The Ministry shall not decide to refuse to register the basic material submitted for registration or, as the case may be, to remove the basic material from the Northern Ireland Register until after the expiration of the said period and, before deciding whether or not to do so, shall consider any representations made to it by or on behalf of the owner of the basic material.

(4) For the purpose of making a decision in any such case, the procedure to be followed at an oral hearing before the Ministry shall be such as the Ministry may direct.

(5) Where the Ministry decides to refuse to register basic material submitted for registration or to remove basic material from the Northern Ireland Register, it shall notify the owner accordingly and shall at the same time furnish a statement of its reasons for the decision.

(6) An appeal shall lie to the Tribunal from any decision of the Ministry as to the matter mentioned in paragraph (1) of this regulation.

(7) Where an appeal is brought against a decision of the Ministry under the foregoing provisions of this regulation, the operation of such decision shall be suspended pending the final determination of the appeal; and the Ministry shall take such steps as may be necessary to give effect to any decision given on the final determination of an appeal.

Seed testing

8.—(1) Seed testing in Northern Ireland for the purposes of these regulations shall be carried out at the official testing station.

(2) An application for a seed test and Test Certificate shall be made in accordance with the procedure laid down in Part I of Schedule 3 and shall be accompanied by a sample representative of the bulk of the seed to which the application relates and by the fee charged by the Ministry for its services in connection with the application.

(3) A sample of the seed to which the application relates shall be taken in accordance with the rules laid down in Part II of Schedule 3.

(4) If the test made as a result of the application establishes that the sample sent therewith satisfies the conditions specified in Part III of Schedule 3 the officer in charge of the official testing station shall, on behalf of the Ministry, issue to the applicant a Test Certificate in the form set out in Part IV of Schedule 3.

PART III

MARKETING OF FOREST REPRODUCTIVE MATERIAL

Collection and taking of forest reproductive material

9.—(1) Except in the case of forest reproductive material authorised for marketing under regulation 12(2), no seed or cones shall be collected, and no parts of plants shall be taken, for the purpose of marketing unless they are derived from basic material which has been approved by the Ministry and registered by it in the Northern Ireland Register.

(2) Any person proposing to collect seed or cones or to take parts of plants for the purpose of marketing shall inform the Ministry of the proposed collection or taking at least 28 days before the date on which the collection or taking is to commence stating—

(*a*) his name, his address and (if any) his telephone number,

(*b*) the place of collection or of taking, and

(*c*) the proposed date of commencement, and the approximate date of completion, of the collection or taking.

(3) On the completion of the collection of any lot of seed or of the taking of any lot of parts of plants the owner thereof shall inform the Ministry in writing of the kind and the quantity of seed collected or of parts of plants taken, and the Ministry shall—

(*a*) if satisfied that the seed or parts of plants are derived from basic material approved and registered in accordance with regulation 6, issue to the owner in respect of the lot a Master Certificate of Provenance or Clonal Identity in the form set out in Schedule 4, or

(*b*) if the seed or parts of plants have been authorised for marketing under regulation 12(2), issue to the owner in respect of the lot a certificate of provenance or clonal identity in the form set out in Schedule 8, or in a form to the like effect.

(4) On completion of the collection of any lot of cones the owner thereof shall inform the Ministry in writing of the quantity of cones collected, and on completion of extraction of seed therefrom the owner of the seed shall inform the Ministry in writing of the kind and the quantity of seed extracted, and the Ministry shall—

(*a*) if satisfied that the seed is derived from basic material approved and registered in accordance with regulation 6, issue to the owner in respect of the seed extracted from the lot a Master Certificate of Provenance in the form set out in Schedule 4, or

(*b*) if the seed has been authorised for marketing under regulation 12(2) issue to the owner in respect of the seed extracted from the lot a certificate of provenance in the form set out in Schedule 8, or in a form to the like effect.

Identification criteria

10.—(1) Forest reproductive material shall during collection, taking, extraction, processing, storage, transportation and raising, for the purpose of marketing, and while being marketed, be kept by the person in possession thereof in separate lots distinguished from each other by reference to the following criteria (hereafter in this regulation referred to as the "identification criteria"), namely—