1971. No. 305 **[C]**

SEEDS

REGULATIONS, DATED 30TH SEPTEMBER 1971, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 1 OF THE SEEDS ACT (NORTHERN IRELAND) 1965.

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The Ministry of Agriculture in exercise of the powers vested in it under Section 1 of the Seeds Act (Northern Ireland) 1965(a) and of every other power enabling it in that behalf, 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 Seeds Regulations (Northern Ireland) 1971, and shall come into operation on the 1st day of October 1971.

Revocation

2. The Seeds Regulations (Northern Ireland) 1961(b) are hereby revoked.

Interpretation

3. In these Regulations, unless the context otherwise requires, the following terms have the meanings hereby respectively assigned to them:—

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

"the Ministry" means the Ministry of Agriculture;

"recognised seed testing station" means the official seed testing station, an official seed testing station established in Great Britain, a seed testing establishment licensed in Great Britain or Northern Ireland and any official seed testing station recognised by the International Seed Testing Association;

"germination test" means a test made at a recognised seed testing station to ascertain the percentage of germination of seeds;

"injurious weeds" means the weeds specified in the Fifth Schedule;

"prohibited weeds" means the weeds specified in the Sixth Schedule;

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

"percentage of hard seeds" means the percentage by number of pure seeds which remain hard at the end of a germination test because they have not absorbed water;

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

"percentage of weed seeds" means the percentage by weight of weed seeds as ascertained in a purity test;

"prescribed declarable minimum percentage of germination" means in relation to seeds of any kind specified in the Fourth Schedule, the percentage of germination stated in that Schedule in respect of those seeds;

"prescribed declarable minimum percentage of purity" means, in relation to seeds of any kind specified in the Third Schedule, the percentage of purity stated in that Schedule in respect of those seeds;

"pure seeds" means whole seeds of the kind which the seeds purport to be, (including any such seeds which are immature, shrivelled, sprouted, cracked, insect-damaged, diseased or otherwise injured) and pieces of such seeds larger than one-half of the original size of the whole seed but excluding—

(i) in the case of seeds of legumes, crucifers, and conifers, seeds or pieces of seeds from which the seed coat is entirely removed;

(a) 1965. c. 22 (N.I.). (b) S.R. & O. (N.I.) 1961, No. 167.

(ii) in the case of grasses, empty glumes, sterile florets and seeds and pieces of seeds without an obvious caryopsis containing endosperm; and

(iii) in the case of forest tree seeds, seed wings;

Provided that when applied to seeds of a kind which cannot be distinguished from seeds of other kinds by expert macroscopic examination, the expression "pure seeds" when used in these Regulations shall not imply that the seeds are necessarily of the kind which they purport to be;

"purity test" means a test made at a recognised seed testing station to ascertain the percentage of purity of seeds;

"weed seeds" means whole seeds of bulbils or pieces of seeds or bulbils of any plants commonly regarded as weeds (including the seeds of plants of injurious and prohibited weeds) and, without prejudice to the generality of the foregoing definition, of any plants specified in the Seventh Schedule.

Seeds to which the Regulations apply

4. These Regulations shall apply to the kinds of seeds specified in the First Schedule. All hybrid forms of and derivatives from any of those kinds of seeds shall be deemed to be kinds of seeds included in the said Schedule, notwithstanding that they may be generally known by a name not appearing therein.

Particulars to be delivered on sale of seeds

5.—(1) As regards seeds which are sold or offered or exposed for sale, the seller shall deliver to the purchaser at the time of delivery of such seeds a statement in writing containing as regards the kind of seeds referred to in Parts I and II of the Second Schedule such particulars as are set out therein.

(2) Particulars referred to in the preceding paragraph shall be particulars ascertained on a test of the said seeds carried out at a recognised seed testing station.

(3) Where seeds are sold or offered or exposed for sale at any time other than some time within the months of August or September, a test for the purpose of the preceding sub-section shall be a test made not earlier than the first day of the month of August last preceding, and where seeds are sold or offered or exposed for sale at any time within the months of August or September, the test shall be a test made not earlier than the first day of the month of August in the previous year.

(4) Sub-sections (2) and (3) of Section 4 of the Act shall apply to statements delivered in pursuance of sub-section (1) of Section 5.

Limits of variation

6. For the purposes of sub-sections (2) and (3) of Section 4 and Section 5 of the Act the limits of variation in relation to the particulars in a statutory statement shall be:—

(*a*) in respect of percentages of purity, germination, hard seeds and weed seeds, the percentages set out in Parts I to IV respectively of the Eighth Schedule;

(*b*) in respect of the number of seeds of any injurious weeds, the number set out in Part V of the Eighth Schedule.

Sampling

7. For the purpose of a test of seeds to ascertain any particulars to be given in compliance with these Regulations, a sample of seeds shall be taken and dealt with in accordance with the Ninth Schedule.

Prohibited weed seed

8.—(1) If, on a test of seeds carried out at an official seed testing station of a sample drawn by an authorised officer in accordance with the Ninth Schedule there is found to be present any seed of weeds of a kind prescribed in the Sixth Schedule, the importation or removal into Northern Ireland, or the selling or the offering or exposing for sale of such seeds shall be prohibited.

(2) For the purposes of this Regulation the presence of not more than one seed of any prohibited weed seeds in one half of a sample of 2 lb 4 oz shall be ignored provided that the other half is found to be free of any prohibited weed seeds.

Use of samples in criminal proceedings

9. Samples shall be taken by an authorised officer and shall, as soon as possible thereafter be divided by him into three parts, each part being marked and sealed by him. The authorised officer shall then arrange for one part to be delivered or tendered to the owner of the seeds and for two parts to be delivered or sent by post to the Chief Officer of the Official Seed Testing Station who will arrange for one part to be tested and for the other part to be retained for production where use of it may be required by the Court in proceedings taken under the Act.

Certificate of the results of a test of seeds

10.—(1) A certificate of the result of a test of a sample sent to the Official Seed Testing Station shall be in the form set out in the Tenth Schedule.

(2) Every such certificate shall be sent to the Ministry and a copy thereof shall be sent by the Ministry to the owner of the seeds.

Keeping of records

11.—Persons who deal in seeds shall:—

(i) keep records of:—
  (*a*) transactions in seeds;
  (*b*) statutory statements given or received by them, and other statements or invoices given or received by them in connection with the sale of seeds;
  (*c*) processes or treatments applied to seeds;
  (*d*) the results of tests of seeds;
  (*e*) seed sown by them, the acreages involved and yield of these crops;

  and shall permit authorised officers of the Ministry to examine such records;

(ii) maintain the said records for a period of two years;

(iii) in the case of seeds imported or removed into Northern Ireland, supply the Ministry within three days of such importation or removal with information as to the quantity, nature and location of such seed.

Exemptions

12.—(1) The Ministry may, by licence, exempt any person or class of persons from compliance with all or any of the provisions of these Regulations where it is satisfied that the circumstances connected with the sale are such that compliance with such Regulations either generally or in a particular respect cannot reasonably be required.

(2) A licence issued by the Ministry under paragraph (1) shall be subject to such conditions as the Ministry may specify in the licence.

(3) Any breach of a condition imposed by such a licence shall render the licence void.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 30th day of September 1971 in the presence of:—

(L.S.) *A. McKelvie,*
Assistant Secretary.