1961. No. 167 **[C]**

SEEDS

REGULATIONS, DATED 24TH JULY, 1961, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE SEEDS ACT, 1920.

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The Ministry of Agriculture in exercise of the powers vested in it under the Seeds Act, 1920(**a**), and of every other power enabling it in that behalf, after consultation with the representatives of the interests concerned (and, as respects forest tree seeds, being the appropriate Ministry charged with the administration in Northern Ireland of the functions of the Forestry Commissioners) hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Seeds Regulations (Northern Ireland), 1961, and, except as provided in paragraph (2), shall come into operation on the 1st day of August, 1961.

(2) The following Regulations shall come into operation on the 1st day of August, 1962—

(*a*) Regulation 4 so far as it relates to the kinds of seeds specified in Part II of the First Schedule;

(*b*) Regulation 5 so far as it requires a statement, delivered in compliance with section one of the Act, to contain, in relation to herbage seeds, particulars of the presence of injurious and other weed seeds.

Revocation

2. The Seeds Regulations (Northern Ireland), 1922(**b**), and the Seeds (Amendment) Regulations (Northern Ireland), 1951(**c**), are hereby revoked.

Definitions

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, 1920;

"the Ministry" means the Ministry of Agriculture;

"sale", save for the purposes of Regulation 10, means any sale other than a sale which is completed by the acceptance in Northern Ireland of an offer made in Northern Ireland;

"germination test" means a test made in accordance with the provisions of the Act to ascertain the germination of seeds;

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

(**a**) 10 & 11 Geo. 5. c. 54.
(**b**) S.R. & O. (N.I.) 1922, No. 55.
(**c**) S.R. & O. (N.I.) 1951, No. 99.

"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, (ii) in the case of grasses, empty glumes, sterile florets and seeds and pieces of seed 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 in accordance with the provisions of the Act to ascertain the purity of seeds;

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

Seeds to which the Seeds Act, 1920, applies

4. The Act shall, to the extent to which it applies in Northern Ireland, 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 or Seed Potatoes

5. The particulars to be contained in the statement in writing required by sub-section (1) of section one of the Act to be delivered to the purchaser on the sale of any seeds or seed potatoes shall be, as regards the kinds of seeds referred to in Parts I and II of the Second Schedule, such particulars as are set out in the said Parts I and II in relation thereto and, as regards seed potatoes, such particulars as are set out in Part III of the said Second Schedule.

Limits of Variation

6.—(1) For the purposes of sub-section (1) of section six and sub-section (2) of section eight of the Act the limits of variation from the percentages of purity and germination appearing in the particulars contained in the statement delivered in pursuance of the Act shall be as set out respectively in Parts I and II of the Seventh Schedule.

(2) The percentage of hard seeds stated in accordance with a requirement in the Second Schedule shall not be deemed to be untrue if it does not differ from the percentage of hard seeds present by more than the limit of variation set out in Part III of the Seventh Schedule.

(3) The percentage of weed seeds stated in accordance with a requirement in the Second Schedule shall not be deemed to be untrue if it does not differ from the percentage of weed seeds present by more than the limit of variation set out in Part IV of the Seventh Schedule.

(4) The number of seeds of any of the injurious weeds stated in accordance with a requirement in the Second Schedule shall not be deemed to be untrue if it does not differ from the number of seeds of those injurious weeds, as ascertained on a further test made at an official seed testing station, by more than the limit of variation set out in Part V of the Seventh Schedule.

Sampling

7.—(1) For the purpose of a test of seeds to ascertain any particulars to be given in compliance with the requirements of section one of the Act and for the purposes of sub-section (1) of section four and sub-section (2) of section six of the Act a sample of seeds shall be taken and dealt with in accordance with Part I of the Eighth Schedule.

(2) A sample of seed potatoes for the purposes of the Act shall be taken in accordance with Part II of the Eighth Schedule.

(3) A sample of seeds taken for the purposes of sub-section (2) of section six of the Act which has been taken in any manner in the presence of, and has been marked by, the seller or his agent shall be deemed to have been duly taken in accordance with these Regulations.

Certificate of the Result of a Test of Seeds

8.—(1) A certificate of the result of a test of a sample sent to the official testing station in accordance with section four of the Act shall be in the form set out in the Ninth 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.

Licences

9. A licence granted under sub-section (7) of section one of the Act exempting any person from compliance with the requirements of the said section as respects any sale of seeds or seed potatoes may be granted in any case where the Ministry is satisfied that the circumstances connected with the sale are such that compliance with the provisions of section one of the Act, either generally or in a particular respect, cannot reasonably be enforced and that an exemption should be granted so as to apply either generally to all persons or to a particular person and either as regards all the provisions of the said section one or any of those provisions and, in any case, subject to any conditions which may be specified in the licence.

Injurious Weeds

10. For the purposes of section three of the Act, which by virtue of section sixteen of the Act prohibits the sale or exposure for sale of seeds being seeds to which the Act applies which contain more than the prescribed percentage of the seeds of any prescribed injurious weeds, the prescribed quantity of injurious weeds shall be three per cent. by weight.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 24th day of July, nineteen hundred and sixty-one, in the presence of

(L.S.)

J. C. Baird,
Assistant Secretary.

FIRST SCHEDULE (Regulation 4)

The Kinds of Seeds to which the Seeds Act, 1920 applies

PART I

(*Coming into operation on the 1st August*, 1961)

Herbage Seeds of the following kinds:

Perennial ryegrass	Crested dogstail	Crimson clover
Italian ryegrass	Red clover	Trefoil
Meadow fescue	Alsike clover	Lucerne
Timothy	White clover	Sainfoin
Cocksfoot		

Cereal Seeds of the following kinds:

Wheat	Barley	Oats	Rye

Field Seeds of the following kinds:

Tares and vetches	Flax	Linseed

Root and Vegetable Seeds of the following kinds:

Field bean	Mangel	Kale (including thousand head, marrow stem, garden kale and borecole)
Broad bean	Swede	
Dwarf bean (including climbing French or pole bean)	Turnip	
	Parsnip	
	Carrot	Cabbage
Runner bean	Onion	Cauliflower (including Winter and Spring heading forms commonly known as broccoli)
Field pea	Rape or cole (including fodder and oil rapes)	
Garden pea		
Beetroot	Kohl rabi	
Sugar beet	Hungry gap kale	Sprouting broccoli (including calabrese)
		Brussels sprout

Forest Tree Seeds of the following kinds:

English Name	*Current Name*	*Common Synonym*
Coniferous Species		
Silver fir	*Abies alba* Mill.	*Abies pectinata* D.C.
Grand fir	*Abies grandis* Lindl.	—
Noble fir	*Abies nobilis* Lindl.	*Abies procera* Rehder.
Lawson cypress	*Chamaecyparis lawsoniana* (A. Murray) Parl.	—
Monterey cypress	*Cupressus macrocarpa* Gord.	—
European larch	*Larix decidua* Mill.	*Larix europaea* D.C.
Japanese larch	*Larix leptolepis* (Sieb. & Zucc.) Gord	—
Hybrid larch	*Larix* × *eurolepis* Henry	—
Norway spruce	*Picea abies* (L.) Karst.	*Picea excelsa* Link.
Serbian spruce	*Picea amorika* Purkyne	—
Sitka spruce	*Picea sitchensis* (Bongard) Carr.	—
Lodgepole pine	*Pinus contorta* Loud.	—
Mountain pine	*Pinus mugo* Turra	*Pinus montana* Mill.
Austrian pine	*Pinus nigra* var. *austriaca* (Hoess) Asch. and Graeb.	*Pinus laricio* var. *austriaca* (Hoess) Loud.