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STATUTORY INSTRUMENTS

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**1991 No. 1601**

**SEEDS**

**The Fodder Plant Seeds (Amendment) Regulations 1991**

*Made* - - - - *4th July 1991*  
*Laid before Parliament* *25th July 1991*  
*Coming into force* - - *15th August 1991*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 16(1), (1A), (5) and (8) and 36 of the Plant Varieties and Seeds Act 1964<sup>(1)</sup> and of all other powers enabling them in that behalf<sup>(2)</sup>, after consultation in accordance with the said section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Fodder Plant Seeds (Amendment) Regulations 1991 and shall come into force on 15th August 1991.

**Amendment of the Fodder Plant Seeds Regulations 1985**

2. The Fodder Plant Seeds Regulations 1985<sup>(3)</sup> shall be amended in accordance with the following provisions of these Regulations.

**Amendment of definition of Commercial Seed**

3. In paragraph (3) of regulation 3 (interpretation) in the definition of “Commercial Seed” for the table there shall be substituted the following table—

“Grasses	Legumes
Annual meadowgrass	Narrow-leaved lupin (Blue lupin)
	Yellow lupin (other than bitter varieties)

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(1) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); see section 38(1) for the definition of “the Ministers”.  
(2) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.  
(3) S.I. 1985/975, amended by S.I. 1987/1092, 1989/1312, 1990/1352.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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“Grasses	Legumes
	Sainfoin
	Hungarian vetch”.

#### **Amendment to regulation 5 (marketing of seeds)**

4. In paragraph (3) of regulation 5 (marketing of seeds)–
- for the words  
“The Minister may, by a general licence”  
there shall be substituted the words–  
“The Minister may, by a general or specific licence”;
  - after the words “set out in Schedule 4 or Schedule 5” there shall be inserted the words “or to market seed under licence as Commercial Seed where it is so indicated in Schedule 4 Part II”.

#### **Amendment of Schedule 4 Part II**

5. In Schedule 4, Part II (conditions relating to the seeds)–
- in column (7) (Commercial Seed) of the second table in paragraph 5–
    - after the entries relating to “*Poa* spp. other than *Poa pratensis*”, “Other lupins” and “Vetches” there shall be added the letter “f”;
    - for the entries relating to “Other *Agrostis* spp.”, “Tall oatgrass” and “Sheep’s fescue” there shall be substituted the letter “e”;
  - in the second table in paragraph 5 for the footnote  
“(e) No Commercial Seed.”  
there shall be substituted the following footnotes–
    - No Commercial Seed except under licence.
    - The standard for Commercial Seed applies to the kinds of seeds listed in the definition of Commercial Seed in Regulation 3(3). Footnote e applies to the remaining kinds.”;
  - in column (15) (Commercial Seed) of the second table in paragraph 6
    - after the entries relating to “Other lupins” and “Vetches” there shall be added the letter “z”;
    - for the entries relating to “Other *Agrostis* spp.”, “Tall oatgrass”, “Sheep’s fescue”, “Rough-stalked meadowgrass” and “Wood meadowgrass” there shall be substituted the letter “t”;
  - in the second table in paragraph 6–
    - for the footnote  
“(t) No Commercial Seed.”  
there shall be substituted the footnote–  
“(t) No Commercial Seed except under licence.”;
    - after the footnote “y” there shall be inserted the footnote–

“(z) The standard for Commercial Seed applies to the kinds of seeds listed in the definition of Commercial Seed in Regulation 3(3). Footnote t applies to the remaining kinds.”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st July 1991.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

4th July 1991

*Strathclyde*  
Parliamentary Under Secretary of State, Scottish  
Office

4th July 1991

*David Hunt*  
Secretary of State for Wales

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations which further amend the Fodder Plant Seeds Regulations 1985 implement Articles 3 and 3a of Commission Directive [86/109/EEC](#) (OJNo. L93, 8.4.86, p.21) as amended by Commission Directive [89/424/EEC](#) (OJ No. L196, 12.7.89, p.50) to the extent that Velvet bent, Tall oatgrass, Sheep's fescue including Fine-leaved fescue, Hard fescue, Wood meadowgrass, White lupin (bitter varieties), Yellow lupin (bitter varieties), Common vetch and Hairy vetch are deleted from the list of seeds to which the "Commercial Seed" category applies (regulation 3).

These Regulations also amend the 1985 Regulations to—

- (a) provide for specific and general licences instead of only general licences; and
- (b) extend the licence provision to the marketing of commercial seed where there is no commercial seed category (regulation 4 and 5).