

2008 No. 114

SEEDS

Seeds (Miscellaneous Amendments) Regulations (Northern Ireland) 2008

Made - - - - - *12th March 2008*

Coming into operation - - - - - *30th April 2008*

The Department of Agriculture and Rural Development^(a) makes the following Regulations in exercise of the powers conferred by sections 1(1) and (2A) and 2 of the Seeds Act (Northern Ireland) 1965^(b).

In accordance with section 1(1) of that Act it has consulted with representatives of such interests as appear to it to be concerned.

Title and commencement

1. These Regulations may be cited as the Seeds (Miscellaneous Amendments) Regulations (Northern Ireland) 2008 and shall come into operation on 30th April 2008.

Amendment of the Beet Seeds Regulations (Northern Ireland) 1994

2.—(1) The Beet Seeds Regulations (Northern Ireland) 1994^(c) are amended in accordance with paragraph (2).

(2) In regulation 3(1) (interpretation)—

(a) after the definition of “the Department” insert—

““EEA State” means—

(a) a State which is a member of the European Communities; and

(b) Iceland, Liechtenstein and Norway;”;

(b) for the definition of “member State” substitute—

““member State” means, in addition to a State which is a member of the European Communities, any other EEA State and Switzerland;”;

(c) for the definition of “official examination” substitute—

““official examination” means—

(a) in relation to Basic Seed and seed of generations prior to Basic Seed produced in the United Kingdom—

(a) Formerly the Department of Agriculture for Northern Ireland: *see* S.I. 1999/283 (N.I. 1) Article 3(4)
(b) 1965 c. 22 (N.I.); section 1 was amended by 1970 c. 20 (N.I.), section 10(1) and S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Schedule 3; section 2 was amended by 1970 c. 20 (N.I.), section 10(2) and S.R. 1977 No. 295 Art. 2
(c) S.R. 1994 No. 251 as amended by S.R. 1997 No. 240, S.R. 2000 No. 52, S.R. 2001 No. 331 and S.I. 2001/3510

- (i) an examination of the crop in the field and a seed test carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers under provisions equivalent to these Regulations; or
- (ii) an examination of the crop in the field carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers and a seed test carried out under official supervision by an establishment licensed as a seed testing station;
- (b) in relation to Certified Seed produced in the United Kingdom—
 - (i) an examination of the crop in the field and a seed test carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers under provisions equivalent to these Regulations; or
 - (ii) an examination of the crop in the field carried out under official supervision by a licensed crop inspector and a seed test carried out under official supervision by an establishment licensed as a seed testing station; and
- (c) in relation to any description of seed produced elsewhere than in the United Kingdom, an examination or a test approved by the Department, the Scottish Ministers, the Secretary of State or the Welsh Ministers;” and
- (d) for the definition of “official label” substitute—

““official label” means a label issued or authorised by or on behalf of the Department, the Scottish Ministers, the Secretary of State or the Welsh Ministers;”.

Amendment of the Cereal Seeds Regulations (Northern Ireland) 1994

3.—(1) The Cereal Seeds Regulations (Northern Ireland) 1994^(a) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1) (interpretation)—

- (a) after the definition of “the Department” insert—

““EEA State” means—

 - (a) a State which is a member of the European Communities; and
 - (b) Iceland, Liechtenstein and Norway;”;
- (b) for the definition of “member State” substitute—

““member State” means, in addition to a State which is a member of the European Communities, any other EEA State and Switzerland;”;
- (c) for the definition of “official examination” substitute—

““official examination” means—

 - (a) in relation to Basic Seed and seed of generations prior to Basic Seed produced in the United Kingdom—
 - (i) an examination of the crop in the field and a seed test carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers under provisions equivalent to these Regulations; or
 - (ii) an examination of the crop in the field carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers and a seed test carried out under official supervision by an establishment licensed as a seed testing station;

^(a) S.R. 1994 No. 254 as amended by S.R. 1995 No. 366, S.R. 1997 No. 240, S.R. 2000 No. 53, S.R. 2000 No. 128, S.R. 2001 No. 330, S.I. 2001/3510, S.R. 2003 No. 42 and S.R. 2004 No. 460

- (b) in relation to Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation produced in the United Kingdom—
 - (i) an examination of the crop in the field and a seed test carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers under provisions equivalent to these Regulations; or
 - (ii) an examination of the crop in the field carried out under official supervision by a licensed crop inspector and a seed test carried out under official supervision by an establishment licensed as a seed testing station; and
 - (c) in relation to any description of seed produced elsewhere than in the United Kingdom, an examination or a test approved by the Department, the Scottish Ministers, the Secretary of State or the Welsh Ministers;” and
 - (d) for the definition of “official label” substitute—
 - ““official label” means a label issued or authorised by or on behalf of the Department, the Scottish Ministers, the Secretary of State or the Welsh Ministers;”.
- (3) In Schedule 5, in Part II (maximum weight of a seed lot and minimum weight of a submitted sample), for the number “25” each time it occurs substitute “30”.

Amendment of the Fodder Plant Seeds Regulations (Northern Ireland) 1994

4.—(1) The Fodder Plant Seeds Regulations (Northern Ireland) 1994^(a) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1) (interpretation)—

(a) after the definition of “the Department” insert—

““EEA State” means—

- (a) a State which is a member of the European Communities; and
- (b) Iceland, Liechtenstein and Norway;”;

(b) for the definition to “member State” substitute—

““member State” means, in addition to a State which is a member of the European Communities, any other EEA State and Switzerland;”;

(c) for the definition of “official examination” substitute—

““official examination” means—

- (a) in relation to Basic Seed and seed of generations prior to Basic Seed produced in the United Kingdom—
 - (i) an examination of the crop in the field and a seed test carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers under provisions equivalent to these Regulations; or
 - (ii) an examination of the crop in the field carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers and a seed test carried out under official supervision by an establishment licensed as a seed testing station;
- (b) in relation to Certified seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Commercial Seed produced in the United Kingdom—
 - (i) an examination of the crop in the field and a seed test carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the

^(a) S.R. 1994 No. 252 as amended by S.R. 1996 No. 311, S.R. 1997 No. 240, S.R. 2000 No. 54, S.R. 2001 No. 329, S.I. 2001/3510, S.R. 2003 No. 42 and S.R. 2004 No. 460

Secretary of State or the Welsh Ministers under provisions equivalent to these Regulations; or

(ii) an examination of the crop in the field carried out under official supervision by a licensed crop inspector and a seed test carried out under official supervision by an establishment licensed as a seed testing station; and

(c) in relation to any description of seed produced elsewhere than in the United Kingdom, an examination or a test approved by the Department, the Scottish Ministers, the Secretary of State or the Welsh Ministers;” and

(d) for the definition of “official label” substitute—

““official label” means a label issued or authorised by or on behalf of the Department, the Scottish Ministers, the Secretary of State or the Welsh Ministers;”.

(3) For sub-paragraph (c) of Part II of Schedule 5 (maximum weight of a seed lot and minimum weight of a submitted sample) substitute—

“(c) The maximum weight of a seed lot of a mixture of seeds shall be 10 tonnes, except that, where more than 50% of the mixture consists of kinds of seeds for which the maximum weight of the seed lot prescribed in seeds Regulations is more than 10 tonnes, the maximum weight shall be as prescribed for the kinds of that type that appear in the larger or largest proportion.”.

Amendment of the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994

5.—(1) The Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994^(a) are amended in accordance with paragraph (2).

(2) In regulation 3(1) (interpretation)—

(a) after the definition of “the Department” insert—

““EEA State” means—

(a) a State which is a member of the European Communities; and

(b) Iceland, Liechtenstein and Norway;”;

(b) for the definition of “member State” substitute—

““member State” means, in addition to a State which is a member of the European Communities, any other EEA State and Switzerland;”;

(c) for the definition of “official examination” substitute—

““official examination” means—

(a) in relation to Basic Seed and seed of generations prior to Basic Seed produced in the United Kingdom—

(i) an examination of the crop in the field and a seed test carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers under provisions equivalent to these Regulations; or

(ii) an examination of the crop in the field carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers and a seed test carried out under official supervision by an establishment licensed as a seed testing station;

(b) in relation to Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed produced in the United Kingdom—

^(a) S.R. 1994 No. 255 as amended by S.R. 1996 No. 312, S.R. 1997 No. 240, S.R. 2000 No. 55, S.R. 2001 No. 328, S.I. 2001/3510, S.R. 2003 No. 384 and S.R. 2004 No. 237

- (i) an examination of the crop in the field and a seed test carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers under provisions equivalent to these Regulations; or
- (ii) an examination of the crop in the field carried out under official supervision by a licensed crop inspector and a seed test carried out under official supervision by an establishment licensed as a seed testing station; and
- (c) in relation to any description of seed produced elsewhere than in the United Kingdom, an examination or a test approved by the Department, the Scottish Ministers, the Secretary of State or the Welsh Ministers;” and
- (d) for the definition of “official label” substitute—
 - ““official label” means a label issued or authorised by or on behalf of the Department, the Scottish Ministers, the Secretary of State or the Welsh Ministers;”.

Amendment of the Vegetable Seeds Regulations (Northern Ireland) 1994

6.—(1) The Vegetable Seeds Regulations (Northern Ireland) 1994^(a) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 3(1) (interpretation)—

- (a) after the definition of “the Department” insert—
 - ““EEA State” means—
 - (a) a State which is a member of the European Communities; and
 - (b) Iceland, Liechtenstein and Norway;”;
- (b) for the definition to “member State” substitute—
 - ““member State” means, in addition to a State which is a member of the European Communities, any other EEA State and Switzerland;”;
- (c) for the definition of “official examination” substitute—
 - ““official examination” means—
 - (a) in relation to Basic Seed and seed of generations prior to Basic Seed produced in the United Kingdom—
 - (i) an examination of the crop in the field and a seed test carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers under provisions equivalent to these Regulations; or
 - (ii) an examination of the crop in the field carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers and a seed test carried out under official supervision by an establishment licensed as a seed testing station;
 - (b) in relation to Certified Seed produced in the United Kingdom—
 - (i) an examination of the crop in the field and a seed test carried out by or on behalf of the Department or by or on behalf of the Scottish Ministers, the Secretary of State or the Welsh Ministers under provisions equivalent to these Regulations; or
 - (ii) an examination of the crop in the field carried out under official supervision by a licensed crop inspector and a seed test carried out under official supervision by an establishment licensed as a seed testing station; and

^(a) S.R. 1994 No. 250 as amended by S.R. 1996 No. 313, S.R. 1997 No. 240, S.R. 2000 No. 56, S.R. 2001 No. 327 and S.I. 2001/3510

(c) in relation to any description of seed produced elsewhere than in the United Kingdom, an examination or a test approved by the Department, the Scottish Ministers, the Secretary of State or the Welsh Ministers;”;

(d) for the definition of “official label” substitute the following definition—

““official label” means a label issued or authorised by or on behalf of the Department, the Scottish Ministers, the Secretary of State or the Welsh Ministers;”;

(3) For Schedule 1 (kinds of seeds to which the Regulations apply) substitute Schedule 1 as set out in the Schedule.

(4) In Schedule 4, in Part II, in the table in paragraph 2(a) (minimum standards for seeds), at the appropriate place in alphabetical order insert the following row—

“Sweet corn or popcorn 98 0.1 85”.

(5) In Schedule 5—

(a) in Part I (sampling of seed lots), for the table in paragraph 11(a) (dynamic spear sampler) substitute the following table—

“Dimensions (mm)

	Point	Shoulder	Boss	Aperture Length	Aperture Width	Bore	Outside Diameter
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
For sampling—							
All kinds other than asparagus, beans, beet, cucumber, gherkin, marrow, melon, peas, popcorn, spinach or sweet corn	42	7	8	20	8	10	12
All kinds other than beans, marrow, peas, popcorn or sweet corn	85	12	10	33	11	13	15
All kinds other than peas and broad beans	82	12	13	40	15	17	19
Peas and broad beans	78	15	15	40	18	20	22”;

and

(b) in Part II (maximum weight of a seed lot and minimum weight of a submitted sample)—

(i) in the table in sub-paragraph (a), at the appropriate place in alphabetical order insert the following row—

“Sweet corn or popcorn 20”;

(ii) -in the table in sub-paragraph (b), at the appropriate place in alphabetical order insert the following row—

“Sweet corn or popcorn 1000”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 12th March 2008.



J.W. Speers

A senior officer of the Department of Agriculture and Rural Development.

SCHEDULE

Regulation 6(3)

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 1 TO THE VEGETABLE SEEDS REGULATIONS (NORTHERN IRELAND) 1994

“SCHEDULE 1

Regulation 4(1)

KINDS OF SEED TO WHICH THE REGULATIONS APPLY

<i>Latin Name</i>	<i>Common Name</i>
<i>Allium cepa</i> L. <i>Cepa</i> Group	Onion, Echalion
<i>Allium porrum</i> L.	Leek
<i>Apium graveolens</i> L.	Celery, Celeriac
<i>Asparagus officinalis</i> L.	Asparagus
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham beet, Spinach beet or Chard
<i>Brassica oleracea</i> L.	Curly kale, Cauliflower, Sprouting broccoli or Calabrese, Brussels sprouts, Savoy cabbage, White cabbage, Red cabbage, Kohlrabi
<i>Brassica rapa</i> L.	Chinese cabbage, Turnip
<i>Cichorium endivia</i> L.	Curled-leaved endive, Plain-leaved endive
<i>Cichorium intybus</i> L.	Whitloof chicory, Large-leaved chicory or Italian chicory
<i>Cucumis melo</i> L.	Melon
<i>Cucumis sativus</i> L.	Cucumber, Gherkin
<i>Cucurbita maxima</i> Duchesne	Gourd
<i>Cucurbita pepo</i> L.	Marrow or Courgette
<i>Daucus carota</i> L.	Carrot, Fodder carrot
<i>Lactuca sativa</i> L.	Lettuce
<i>Lycopersicon esculentum</i> Mill.	Tomato
<i>Petroselinum crispum</i> (Mill.) Nyman ex A W Hill	Parsley
<i>Phaseolus coccineus</i> L.	Runner Bean
<i>Phaseolus vulgaris</i> L.	Dwarf French bean, Climbing French bean
<i>Pisum sativum</i> L. (partim)	Wrinkled pea, Round pea, Sugar Pea
<i>Raphanus sativus</i> L.	Radish, Black radish
<i>Spinacia oleracea</i> L.	Spinach
<i>Vicia faba</i> L. (partim)	Broad bean
<i>Zea mays</i> L. (partim)	Sweet corn, Popcorn”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the following Regulations:

- (a) the Beet Seeds Regulations (Northern Ireland) 1994;
- (b) the Cereal Seeds Regulations (Northern Ireland) 1994;
- (c) the Fodder Plant Seeds Regulations (Northern Ireland) 1994;
- (d) the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994;
- (e) the Vegetable Seeds Regulations (Northern Ireland) 1994.

These Regulations implement as respects Northern Ireland—

- (a) Council Directive 2004/117/EC (O.J. No. L14, 18.1.2005 p. 18) amending Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC on the marketing of fodder plant seed, cereal seed, beet seed, vegetable seed and oil and fibre plant seed. They update the definitions on examinations carried out under official supervision (regulations 2(2)(c), 3(2)(c), 4(2)(c), 5(2)(c) and 6(2)(c));
- (b) Commission Directive 2006/55/EC (O.J. No. L159, 13.6.2006 p. 11) amending Annex III to Council Directive 66/402/EEC as regards the maximum weight of seed lots. They amend the Cereal Seeds Regulations (Northern Ireland) 1994 to increase the maximum weight of a seed lot of species of cereal seed, except for maize, from 25 to 30 tonnes (regulation 3(3)). They also make a consequential amendment to the Fodder Plant Seeds Regulations (Northern Ireland) 1994 to take account of this where more than 50% of a fodder plant seeds mixture consists of cereal seeds (regulation 4(3));
- (c) Commission Directive 2006/124/EC (O.J. No. L339, 6.12.2006 p. 12) amending Council Directive 2002/55/EC on the marketing of vegetable seeds and Commission Decision 2007/321/EC (O.J. No. L119, 9.5.2007, p. 48) releasing the United Kingdom from the requirement to apply the marketing provisions of Council Directive 2002/55/EC in relation to certain vegetable seed species. They amend the Vegetable Seeds Regulations (Northern Ireland) 1994 to update the list of genera and species of plant to which the Regulations apply, the main change being the addition of sweet corn or popcorn to the list (regulation 6(3) and Schedule) and make other consequential amendments (regulation 6(4) and (5)).

The Regulations also update the definitions of “official label” to take account of a change in operating procedures and the definitions of “member State” (regulation 2(2)(a), (b) and (d), 3(2)(a), (b) and (d), 4(2)(a), (b) and (d), 5(2)(a), (b) and (d) and 6(2)(a), (b) and (d)).