

1985 No. 975

SEEDS

The Fodder Plant Seeds Regulations 1985

<i>Made</i> - - - - -	26th June 1985
<i>Laid before Parliament</i>	10th July 1985
<i>Coming into Operation</i>	1st August 1985

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), (2), (3), (4), (5) and (8), 17(1), (2), (3) and (4) and 36 of the Plant Varieties and Seeds Act 1964^(a) and now vested in them^(b) and of all other powers enabling them in that behalf, 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, extent and commencement

1. These regulations may be cited as the Fodder Plant Seeds Regulations 1985, shall apply to Great Britain and shall come into operation on 1st August 1985.

Revocation of previous regulations

2. The Fodder Plant Seeds Regulations 1980^(c), the Fodder Plant Seeds (Amendment) Regulations 1982^(d) and the Fodder Plant Seeds (Amendment) Regulations 1984^(e) are hereby revoked.

Interpretation

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

“the Act” means the Plant Varieties and Seeds Act 1964;

“Common Catalogue” means the Common Catalogue of varieties of kinds of agricultural plants published in the Official Journal of the European Communities;

“Higher Voluntary Standard” means the standards which—

(a) are higher than the minimum standards prescribed for Certified Seed, and

(b) are specified in Part II of Schedule 4,

being the standards and the level in respect of which an official certificate has been issued in accordance with Schedule 2;

^(a) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and paragraph 5(1), (2) and (3) of Schedule 4.

^(b) In the case of the Secretary of State for Wales by virtue of S.I. 1978/272.

^(c) S.I. 1980/899.

^(d) S.I. 1982/1757.

^(e) S.I. 1984/1872.

“maintainer” means a person who is indicated in a National List or in the Common Catalogue as responsible for maintaining a plant variety in accordance with the characteristics to which regard was had when the plant variety was entered in the List or the Common Catalogue;

“marketing” includes the offer for sale, exposure for sale, sale and possession with a view to sale of seeds and any transaction in the course of business—

- (a) under which the property in seeds is transferred from one person to another, or
- (b) under which the seeds are made over by one person to another in pursuance of a contract under which the seeds will be used for producing further seeds or for producing plants or parts of plants for human or animal consumption,

and “market” and “marketed” shall be construed accordingly;

“Member State” means a Member State of the Communities;

“the Minister” means, as respects England, the Minister of Agriculture, Fisheries and Food and, as respects Scotland or Wales, the Secretary of State, and “the Ministers” means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly;

“National List” means a list of varieties of kinds of fodder plants for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 1982(a);

“official certificate” means a certificate issued by the Minister in accordance with Schedule 2 subject to the payment of any fees payable under seeds regulations and containing in respect of the seed to which it relates the particulars specified in Schedule 3 and “officially certified” shall be construed accordingly;

“official examination” means—

- (a) an examination carried out by or on behalf of the Minister, subject to an application for such examination having been made to the Minister in such form and manner and at such time as the Minister may, at his discretion, require and to the payment of any fees payable under seeds regulations, or
- (b) an examination carried out by or on behalf of the Department of Agriculture for Northern Ireland, or
- (c) in relation to seeds produced elsewhere than in the United Kingdom, an examination approved by the Minister;

“official label” means a label issued or authorised by the Minister, subject to the payment of any fees payable under seeds regulations, and “official inner label” shall be construed accordingly;

“seed lot” means an identifiable consignment of seeds of a weight not exceeding that specified in Part II of Schedule 5, bearing a unique reference number in which the seeds shall have been so mixed or blended that, as far as is practicable, the seed lot shows no evidence of heterogeneity;

(a) S.I. 1982/844.

“seeds regulations” means regulations made under section 16 of the Act and for the time being in force;

“small package” means a package of seeds containing a net weight of not more than 15 kilograms of Pre-basic Seed, Basic Seed or a mixture of seeds for agricultural use;

“small EEC A package” means a package of seeds containing a net weight of not more than 2 kilograms of a mixture of seeds not intended for agricultural use;

“small EEC B package” means a package of seeds containing a net weight of not more than 10 kilograms of Certified Seed or commercial Seed or, where the package is not a small EEC A package, a mixture of seeds not intended for agricultural use.

(2) A reference in these regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these regulations.

(3) In these regulations—

“Breeder’s Seed” means seeds of a generation earlier than that of Basic Seed—

- (a) which have been produced by or under the responsibility of the maintainer carrying out in the United Kingdom the duties of a maintainer for the time being set out in regulation 19 of the Seeds (National Lists of Varieties) Regulations 1982,
- (b) which are intended for the production of Pre-basic Seed or, with the written authority of the Minister, of Basic Seed, and
- (c) which satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

“Pre-basic Seed” means seeds of a generation earlier than that of Basic Seed—

- (a) which have been produced directly from Breeder’s Seed or Pre-basic Seed by or under the responsibility of the maintainer,
- (b) which are intended for the production of Pre-basic Seed, Basic Seed or, with the written authority of the maintainer and the Minister, of Certified Seed or Certified Seed of the First, Second or Third Generations, and
- (c) which satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

“Basic Seed” means seeds—

- (a) which have been produced—
 - (i) by or under the responsibility of the maintainer from Pre-basic Seed or, with the written authority of the Minister, from Breeder’s Seed, or

(ii) under the supervision of the Minister from seeds recognised by him to be of a local variety and grown within a particular clearly defined area,

- (b) which are intended for the production of Certified Seed or Certified Seed of the First, Second or Third Generations, and
- (c) which satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

“Certified Seed” means seeds, other than of field peas or field beans, of the kinds set out in Schedule 1—

- (a) which have been produced directly from Basic Seed or, with the written authority of the maintainer and the Minister, from Pre-basic Seed,
- (b) which are intended for the production of plants, and
- (c) which satisfy the requirements for Certified Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

“Certified Seed of the First Generation” means seeds of field peas or field beans—

- (a) which have been produced directly from Basic Seed or, with the written authority of the maintainer and the Minister, from Pre-basic Seed,
- (b) which are intended for the production of Certified Seed of the Second or Third Generations or for the production of plants, and
- (c) which satisfy the requirements for Certified Seed of the First Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

“Certified Seed of the Second Generation” means seeds of field peas or field beans—

- (a) which have been produced directly from Basic Seed, Certified Seed of the First Generation or, with the written authority of the maintainer and the Minister, from Pre-basic Seed,
- (b) which are intended for the production of Certified Seed of the Third Generation or for the production of plants, and
- (c) which satisfy the requirements for Certified Seed of the Second Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

“Certified Seed of the Third Generation” means seeds of field peas or field beans—

- (a) which have been produced directly from Basic Seed, Certified Seed of the First or Second Generation or, with the written authority of the maintainer and the Minister, from Pre-basic Seed,
- (b) which are intended for the production of plants, and
- (c) which satisfy the requirements for Certified Seed of the Third Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2.

“Commercial Seed” means seeds of the following kinds—

<i>Grasses</i>	<i>Legumes</i>
Velvet bent	Field bean
Red top	Birdsfoot trefoil
Creeping bent	White lupin
Brown top	Narrow-leaved lupin (Blue lupin)
Tall oatgrass	Yellow lupin
Sheep’s fescue including Fine-leaved fescue, Hard fescue	Trefoil, Black medick
Annual meadowgrass	Sainfoin
Wood meadowgrass	Alsike clover
Rough-stalked meadowgrass	Hungarian vetch
	Common vetch
	Hairy vetch

- (a) which are identifiable as to their kind, and
- (b) which satisfy the requirements for Commercial Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2.

(4) For the purposes of these regulations, seeds marketed in accordance with regulation 5(1)(b)(ii) or (iii) below shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (3) above.

Seeds to which the regulations apply

4.—(1) Subject to paragraphs (2) and (3) below, these regulations apply to fodder plant seeds of the kinds set out in Schedule 1, being seeds intended to be used only for the production of agricultural crops or for amenity purposes.

- (2) These regulations shall not apply to—
 - (a) seeds which are marketed for delivery elsewhere than in a Member State,
 - (b) seeds used or to be used for research or experiment,
 - (c) seeds used or to be used in the course of a process of selection, and
 - (d) seeds which are marketed with a view to processing, treatment or cleaning, where the identity of the seeds is stated by the person by whom they are marketed,
- (3) Where a person (“the first person”) makes an arrangement under which some other person (“the second person”) uses seeds which are under the control of the first person for the purpose of—
 - (a) increasing the first person’s stock of seeds for sowing, or
 - (b) carrying out tests or trials thereon,

and under that arrangement the whole of the material produced from the seeds (whether directly or indirectly) and any unused seeds become or remain the property of the first person, these regulations shall not apply to the marketing of the seeds by the first person to the second person as part of that arrangement

or to the marketing by the second person to the first person of seeds produced (directly or indirectly) from those seeds.

Marketing of seeds

5.—(1) Subject to the provisions of this regulation, no person shall market any seeds unless they are marketed in seed lots or in parts of seed lots and unless they are—

- (a) Commercial Seed, or
- (b) seeds of plant varieties which may, for the time being, be marketed in accordance with regulation 31 of the Seeds (National Lists of Varieties) Regulations 1982 and which are—
 - (i) Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation, or
 - (ii) seeds which have been produced and packaged in a Member State other than the United Kingdom, which have been labelled appropriately in accordance with the requirements of regulation 9(1), (2), (3), (4), (5), (6) and (8) and which
 - in the case of a small package of seeds, a small EEC A package of seeds or a small EEC B package of seeds, have been sealed in accordance with the requirements of regulation 8(3), or
 - in the case of all other seeds, have been officially sealed in a Member State other than the United Kingdom, or
 - (iii) seeds which have been produced elsewhere than in a Member State and which are marketed in accordance with, and subject to, the conditions imposed by a general licence granted by the Ministers under the authority of this paragraph, which licence shall have effect during the period specified in it unless the Ministers earlier revoke it.

(2) Paragraph (1) above shall not prevent the marketing of—

- (a) a mixture of kinds or varieties of seeds to which these regulations apply, or
- (b) a mixture of kinds or varieties of seeds to which these regulations apply and any other seeds meeting the requirements of the seeds regulations pertaining to those seeds,

but each constituent of such mixtures, to which these regulations apply, shall consist of seeds meeting the requirements of paragraph (1) above.

(3) The Minister may, by a general licence which may impose conditions and which shall have effect during the period specified in it unless the Minister earlier revokes it,—

- (a) authorise any person to market as Breeder's Seed, Pre-Basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed, seeds which fail in some respect to satisfy the requirements for such seeds set out in Schedule 4,

- (b) modify the labelling requirements set out in Schedule 6,
- (c) authorise any person to market seeds which, notwithstanding the requirements of the Seeds (National Lists of Varieties) Regulations 1982, for the time being in force, are of a variety not entered in a National List or in the Common Catalogue,
- (d) authorise any person to market seeds in respect of which an official certificate has not been issued in accordance with paragraph 1 of Schedule 2,
- (e) authorise any person to market seeds of any kind other than field peas or field beans as Certified Seed of the Second Generation or Certified Seed of the Third Generation,

but in all other respects, unless expressly otherwise stated in the licence, the provisions of these regulations shall apply in relation to the marketing of the seeds.

(4) Any person may market to a person engaged in the business of trading in seeds, other than by way of retail sale, seeds which have been imported from a country other than a Member State notwithstanding that such marketing would otherwise be prohibited by virtue of paragraph (1)(b)(iii) above.

(5) Notwithstanding the requirement in Part II of Schedule 4 that Basic Seed shall attain the minimum standards of germination specified in the said Schedule any person may, subject to the requirements of regulation 9(2)(b), market as Pre-basic Seed or Basic Seed, seeds which in other respects satisfy the requirements for Basic Seed set out in the said Schedule and in respect of which an official certificate has been issued in accordance with Schedule 2 but which attain a lower percentage of germination than that specified in Schedule 4 in relation to seeds of that kind.

(6) In a case where the official examination in respect of the germination of any seed lot has not been completed, but a preliminary test of germination has shown that the seeds attain the appropriate minimum standard of germination specified in Part II of Schedule 4 and the seeds in other respects satisfy the appropriate requirements of the said Schedule, the seed lot or any part of the seed lot may, subject to the requirements of paragraph (8) below and regulations 8 and 9 be marketed. In the event of any such marketing the seller of the seeds shall, upon or before delivery, provide the purchaser with a written statement that the seeds are marketed before the completion of the official germination test together with the result of the preliminary test of germination. In the event of the official germination test showing the failure of the seeds to comply with the minimum germination standard required by paragraph 5 of Part II of Schedule 4 for seeds of that kind, the seller shall provide the purchaser with the result of the completed test, in writing, as soon as practicable and in any event not later than seven days after being informed of it.

(7) The provisions of paragraph (6) above shall not apply to the marketing of any seed lot or part of any seed lot in respect of which a previous official examination has shown that the seed fails to meet the standards set out for such seed in Part II of Schedule 4.

(8) A person who sells any seeds in accordance with paragraph (6) above shall make and, during a period of twelve months following the delivery of the seeds, keep available for inspection by an officer of the Minister a record of the date of such delivery, of the reference number of the seed lot delivered, of the name and address of the purchaser, of the date on which the preliminary test of germination was carried out and of the result of that test and, if appropriate, of the date on which the purchaser was informed of the result of the completed official germination test.

(9) Paragraphs (5) and (6) above shall not apply to seeds which have been imported from a country other than a Member State unless they have been produced directly from Pre-basic Seed, Basic Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation produced in a Member State.

(10) Where seeds are sampled for the official examination referred to in paragraph 2(c) of Schedule 2 in an untreated state and are subsequently subjected to chemical treatment the seller shall, upon or before delivering the seeds to the purchaser, provide him with a statement in writing that the seeds have been subsequently subjected to chemical treatment and specifying the chemical nature of such treatment.

(11) Where in the course of the marketing of any seeds it is stated or indicated in any label or notice affixed to, contained in or marked on any package of seeds or in any document accompanying the seeds, that the seeds attain the Higher Voluntary Standard, those seeds shall be required to meet the appropriate standards prescribed in Part II of Schedule 4, and the person marketing the seeds shall be deemed to state for the purposes of these regulations and in relation to the particulars given to a purchaser that the seeds attain the said Higher Voluntary Standard.

(12) Any mixture of seeds to which the provisions of paragraph (11) above relate shall be required to meet the appropriate standards prescribed in seeds regulations in respect of all its constituent parts.

(13) Where Certified Seed marketed in accordance with paragraph (1)(b)(ii) or (iii) above has been verified by the Minister as having attained the appropriate Higher Voluntary Standard such seeds may be marketed as having attained this standard; and for the purposes of this paragraph seeds shall be deemed, subject to the payment of any fees payable under seeds regulations, to have been verified by the Minister as having attained the appropriate Higher Voluntary Standard if an application for verification has been made to the Minister in such form and manner and containing such information and accompanied by such documents, as the Minister may require.

Official certificates

6.—(1) An application for the issue of an official certificate in respect of a seed lot of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed—

- (a) shall be made in writing to the Minister in such form and manner, and shall be accompanied by such documents, as the Minister may require, and

(b) shall be made—

- (i) in respect of field peas and field beans not later than the fifteenth day of March of the second year following the year of harvest of the crop from which the seed lot is obtained, and
- (ii) in respect of all other seeds not later than the thirty-first day of December of the year following the year of harvest of the crop from which the seed lot is obtained,

or, in either case, within such other time as the Minister may allow.

(2) Where an application for the issue of an official certificate is made to the Minister in accordance with paragraph (1) above the Minister shall deal with the application in accordance with the provisions of Schedule 2.

(3)(a) An official certificate which has been issued by the Minister may be withdrawn by him in respect of either the whole of a seed lot or any part of a seed lot and any seeds from which an official certificate has been so withdrawn shall be deemed not to have been officially certified if—

- (i) the results of an official examination of the seeds in respect of which the official certificate has been issued are declared null and void in accordance with paragraph (2) of regulation 7, or
- (ii) information has been received by him which, if known to him before the official certificate was issued, would have resulted in the application for its issue being refused on the grounds that the seeds did not meet the requirements of seeds regulations.

(b) where, in accordance with sub-paragraph (3)(a) above, seeds are deemed not to have been officially certified the seller of the seeds shall, as soon as practicable and in any case not later than 7 days after being informed of it, notify the purchaser, in writing, that the seeds have not been officially certified.

Sampling

7.—(1) A sample of seeds taken for the purposes of an official examination shall be taken, subject to the payment of any fees payable under seeds regulations, by a person authorised by the Minister in that behalf and in accordance with the requirements contained in Schedule 5.

(2) If a sample of seeds taken for the purposes of an official examination is found not to have been taken in accordance with the requirements of seeds regulations no, or no further, official examination shall be made of that sample, and any findings or results obtained in the course of any official examination of the sample of seeds already made shall be deemed null and void.

Sealing of packages

8.—(1) No person shall market in accordance with regulation 5(1)(b)(i) or (2) a package (other than a small package, a small EEC A package or a small EEC B package) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation, Commercial Seed or a mixture of seeds unless it has been, not later than at the time of sampling, sealed by or

under the supervision of a person authorised by the Minister in that behalf in such a manner that when the package is opened the sealing device will be broken and cannot be re-used.

(2) If a package of seeds which has been sealed in accordance with paragraph (1) above or imported in accordance with regulation 5(1)(b)(ii) or (iii) shall have been opened it may not be re-sealed or further re-sealed except by or under the supervision of a person authorised by the Minister in that behalf.

(3) No person shall market a small package, a small EEC A package or a small EEC B package in accordance with regulation 5(1)(b)(i) or (2) unless it has been sealed with a sealing device in such a manner that when the package is opened the sealing device is broken and cannot be re-used.

(4) If a small EEC A package or a small EEC B package which has been sealed in accordance with paragraph (3) above or imported in accordance with regulation 5(1)(b)(ii) shall have been opened it may not be re-sealed or further re-sealed except by or under the supervision of a person authorised by the Minister in that behalf.

Labelling of packages

9.—(1) Subject to paragraph (7) below, no person shall market any seeds in accordance with regulation 5(1)(a), (b)(i) or (2) except in a package which, not later than at the time of sealing, is labelled, inscribed or otherwise dealt with in accordance with this regulation.

- (2)(a) A package (other than a small package, a small EEC A package or a small EEC B package) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation, Commercial Seed or a mixture of seeds shall have affixed on the outside an official label containing, as appropriate to the seeds, particulars of the matters specified, and being of at least the size and of the colour also specified in Part I of Schedule 6, which shall be either an adhesive label or a label secured to the package by a sealing device approved by the Minister and shall be affixed (in either case) by or under the supervision of a person authorised by the Minister in that behalf.
- (b) If in accordance with regulation 5(5) a person shall market any Pre-basic Seed or Basic Seed of a lower percentage of germination than that specified in Schedule 4 the fact shall be stated on the official label and a supplier's label affixed to the outside of the package shall contain a statement of the germination of the seeds together with the name and address of the seller and the reference number of the lot.
- (c) A person who markets a package (other than a small package, a small EEC A package or a small EEC B package) containing a mixture of seeds shall, with the seeds or not later than 14 days after the sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing, on a label attached to the package, on the package itself or on an invoice or other document associated with the seeds, containing particulars of the further matters relating

to the seeds to which these regulations apply, specified in Part I F of Schedule 6.

(3) A package (other than a small package, a small EEC A package or a small EEC B package) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation, Commercial Seed or a mixture of seeds shall contain an official inner label which shall be of the same colour as, and in addition to, the official label affixed to the outside of the package in accordance with paragraph (2)(a) above. The official inner label shall contain particulars of the reference number of the lot and of the kind or, in the case of a mixture of the proprietary name of the mixture or of the kinds of the constituents, and, in the case of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation, of the variety and, in the case of Commercial Seed, of the matter specified in item 2 of part I D of Schedule 6; except that if such particulars are printed indelibly on the outside of the package or if the official label is an adhesive or a tear-resistant label the official inner label referred to in this paragraph shall not be required.

(4)(a) A small package of seeds shall have affixed on the outside a label containing, as appropriate to the seeds, particulars of the matters specified and being of the colour also specified in Part II of Schedule 6; except that if such particulars are printed indelibly on the outside of the package the said label shall not be required.

(b) A person who markets a small package containing a mixture of seeds for use for agricultural purposes shall, with the seeds or not later than 14 days after the sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing, on a label attached to the package, on the package itself or on an invoice or other document associated with the seeds, containing particulars of the matters relating to the seeds to which these regulations apply specified in Part I F of Schedule 6.

(c) A small EEC A package and a small EEC B package, shall have affixed to the outside either a label, a printed notice or a stamp containing, as appropriate to the seeds, particulars of the matters specified in Part II of Schedule 6; except that if the packaging material is transparent a label containing the said particulars may be placed inside the package in such a manner as to be clearly legible from the outside.

(5) If a package of seeds shall have been re-sealed in accordance with regulation 8(2) above this fact shall be stated on the official label, together with the month and year of re-sealing and the name of the authority responsible for the re-sealing.

(6) If any seeds have been subjected to any chemical treatment this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either—

(a) on a separate supplier's label, or

- (b) on the label referred to in paragraph (2) or (4) above or, where such a label is not required, with the particulars otherwise given in accordance with those paragraphs,

and also, except where the label referred to in paragraph (2) or (4) above is not required or where the information prescribed by this paragraph is given on an adhesive or tear-resistant label, either on the outside of the package or in a statement enclosed in the package.

(7) A person may sell any seeds otherwise than in a package which is labelled, inscribed or otherwise dealt with in accordance with this regulation where—

- (a) the seeds are sold by way of retail sale in a quantity not exceeding the appropriate maximum weight specified in Schedule 7, and
- (b) the seeds are taken, in the presence of the purchaser, from a container on which there is clearly and visibly marked or near which there is clearly and visibly displayed a statement containing particulars of the matters specified in Part III of Schedule 6.

(8) The particulars and information given in accordance with this regulation shall be given in one of the official languages of the Communities.

(9) Subject to the provisions of the Act and of these regulations, no person shall, in the course of the marketing or the preparation for marketing of any seeds by himself or by any other person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label affixed to, contained in or marked on any package of seeds or which is to be so affixed, contained or marked.

Civil liabilities of sellers of seeds

10.—(1) The particulars given to a purchaser by the seller of seeds to which these regulations apply, whether given in pursuance of these regulations expressly or by implication arising from the description under which the seeds are sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the category of the seeds, the level of the seeds, the percentage germination of the seeds, the percentage analytical purity of the seeds, the content of seeds of other plant species, and, as appropriate, the varietal identity and the varietal purity of the seeds or, in the case of a mixture of seeds permitted by regulation 5(2), of each of its constituents to which these regulations apply.

(2) Section 17(2) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1) above, in so far as they relate to the percentage germination, the percentage analytical purity, or the content of seeds of other plant species and there are hereby prescribed in respect of such matters the limits of variation set out in Schedule 8.

(3) Section 17(3) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1) above, in so far as they relate to the percentage germination, the percentage analytical purity or the content of seeds of other plant species.

(4) A purchaser who intends to obtain a test of seeds for the purposes of section 17(3) of the Act shall, not more than 10 days after delivery to him of the seeds or of the particulars prescribed in regulation 9(2)(c) or (4)(b) (whichever is the later), give to the seller written notice of his intention and thereupon the seller may indicate a day (not being more than 21 days after the delivery of the seeds or of the said particulars, whichever is the later, to the purchaser) and a reasonable time on that day at which a sample of the seeds may be taken in the presence of himself or his representative and the purchaser shall afford to the seller reasonable facilities for that purpose.

(5) On the day and at the time appointed by the seller in accordance with paragraph (4) above or, if the seller shall have failed to appoint such a day and time, on a day not more than 28 days after delivery of the seeds or of the said particulars (whichever is the later) to the purchaser, the purchaser or his representative may, and if the seller or his representative is present shall, take a sample of the seeds. Such sample shall be taken and divided by the purchaser or his representative into two parts in accordance with the requirements contained in Part I of Schedule 5, each part being of at least the appropriate minimum weight specified in Part II of Schedule 5, of which one part shall be sent to the Chief Officer of an official seed testing station for the purpose of being tested and the other part delivered or tendered to the seller or his representative or, if he or his representative was not present when the sample was taken, sent to him by post.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th June 1985.



Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

25th June 1985.

Nicholas Edwards,
Secretary of State for Wales.

26th June 1985.

SCHEDULE 1

Regulation 4(1)

KINDS OF SEEDS TO WHICH THE REGULATIONS APPLY

Latin Name	Common Name
(A) <i>Gramineae</i> (Grasses)	
Fine Grasses	
<i>Agrostis canina</i> L.	Velvet bent
<i>Agrostis gigantea</i> Roth	Red top
<i>Agrostis stolonifera</i> L.	Creeping bent
<i>Agrostis tenuis</i> Sibth.	Brown top
<i>Festuca ovina</i> L.	Sheep's fescue, including Fine-leaved fescue, Hard fescue
<i>Festuca rubra</i> L.	Red fescue, Chewings fescue
<i>Poa annua</i> L.	Annual meadowgrass
<i>Poa nemoralis</i> L.	Wood meadowgrass
<i>Poa pratensis</i> L.	Smooth-stalked meadowgrass
<i>Poa trivialis</i> L.	Rough-stalked meadowgrass
Fodder Grasses	
<i>Arrhenatherum elatius</i> (L.) Beauv. ex J. et K. Presl.	Tall oatgrass
<i>Dactylis glomerata</i> L.	Cocksfoot
<i>Festuca arundinacea</i> Schreb.	Tall fescue
<i>Festuca pratensis</i> Huds.	Meadow fescue
<i>Lolium multiflorum</i> Lam.	Italian ryegrass (including Westerwolds ryegrass)
<i>Lolium perenne</i> L.	Perennial ryegrass
<i>Lolium x hybridum</i> Hausskn.	Hybrid ryegrass
<i>Phleum bertolonii</i> DC.	Small timothy
<i>Phleum pratense</i> L.	Timothy
(B) <i>Leguminosae</i> (Legumes)	
Small Seeded Legumes	
<i>Lotus corniculatus</i> L.	Birdsfoot trefoil
<i>Medicago lupulina</i> L.	Trefoil, Black medick
<i>Medicago sativa</i> L.	Lucerne
<i>Medicago x varia</i> Martyn	Lucerne
<i>Onobrychis viciifolia</i> Scop.	Sainfoin
<i>Trifolium hybridum</i> L.	Alsike clover
<i>Trifolium pratense</i> L.	Red clover
<i>Trifolium repens</i> L.	White clover
Large Seeded Legumes	
<i>Lupinus albus</i> L.	White lupin
<i>Lupinus angustifolius</i> L.	Narrow-leaved lupin (Blue lupin)
<i>Lupinus luteus</i> L.	Yellow lupin
<i>Pisum sativum</i> L. (partim)	Field pea
<i>Vicia faba</i> L. (partim)	Field bean
<i>Vicia pannonica</i> Crantz	Hungarian vetch
<i>Vicia sativa</i> L.	Common vetch
<i>Vicia villosa</i> Roth	Hairy vetch

Latin Name	Common Name
(C) <i>Cruciferae</i> (Crucifers)	
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Peterm.	Swede
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.)	Fodder kale
<i>Raphanus sativus</i> L. ssp. <i>oleifera</i> (DC.) Metzg.	Fodder radish

Regulations 3(1) and (3), 5(3), (5) and (10) and 6(2)

SCHEDULE 2

OFFICIAL CERTIFICATES

1. On receipt of an application made in accordance with regulation 6(1) for the issue of an official certificate in respect of a seed lot of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed, the Minister shall, subject to paragraphs 2 and 3 below and to the payment of any fees payable under seeds regulations, issue in respect of such a seed lot an official certificate containing the particulars specified in Schedule 3.

2. The Minister shall refuse to issue an official certificate in respect of a seed lot unless—

- (a) an application has been made to the Minister, in such form and manner and at such time as he may require, for registration by him of—
 - (i) the seed lot or seed lots to be used for the production of the crop or crops from which the seed lot is to be obtained, and
 - (ii) the crop or crops from which the seed lot is to be obtained;
- (b) an official examination of the crop or crops from which the seed lot was obtained shall have shown that the crop or crops meet the standards appropriate to the category and the level set out in Part I of Schedule 4; and
- (c) an official examination of a sample of the seed lot shall have shown that the seeds meet the standards appropriate to the category and the level set out in Part II of Schedule 4;

except that—

- (i) paragraphs 2(a) and (b) above shall not apply in relation to an application for the issue of an official certificate in respect of Commercial Seed;
- (ii) paragraphs 2(a), (b) and (c) above shall not apply in relation to an application for the issue of an official certificate in respect of Breeder's Seed where the seeds have been officially sampled for the purposes of official examination of a plot in accordance with paragraph 1 of Part I of Schedule 4, and where the seeds meet the requirements set out in paragraph 3 of Part II of Schedule 4,
- (iii) paragraph 2(c) above, in so far as it relates to standards of germination set out in Part II of Schedule 4, shall not apply in relation to an application for the issue of an official certificate in respect of seeds which are marketed in accordance with and subject to the requirements of regulation 5(5), and

- (iv) the Minister shall issue an official certificate in respect of a seed lot marketed in accordance with, and subject to any conditions imposed by, a general licence granted by the Minister under regulation 5(3).
3. The Minister may refuse to issue an official certificate in respect of a seed lot if it appears to him that—
- (a) a sample of the seed lot taken for the purpose of an official examination in order to ascertain whether the seed lot meets the appropriate standards set out in Part II of Schedule 4 has not been taken in accordance with the requirements contained in Schedule 5;
 - (b) an official examination of a plot sown with a sample of the seed lot sown in the field shows that the crop does not meet the appropriate standards set out in Part I of Schedule 4;
 - (c) there has been any breach of seeds regulations in relation to the seed lot in respect of which application for an official certificate has been made.

SCHEDULE 3

Regulation 3(1)

PARTICULARS TO BE SPECIFIED IN AN OFFICIAL CERTIFICATE

- (i) Name and Address of Certifying Authority
- (ii) Applicant's name, address and registered number
- (iii) Seed lot reference number
- (iv) Kind/variety/category/level*
- (v) Net weight of seed lot and number of containers
- (vi) Seed treatment (if applicable)

* As appropriate

Regulations 3(1) and (3), 5(3), (5), (6), (7) and (11), and 9(2)

SCHEDULE 4

REQUIREMENTS FOR BASIC SEED, CERTIFIED SEED,
CERTIFIED SEED OF THE FIRST, SECOND
AND THIRD GENERATIONS AND COMMERCIAL SEED

PART I

CONDITIONS RELATING TO CROPS FROM WHICH SEEDS
OTHER THAN COMMERCIAL SEED ARE OBTAINED

1. So far as the Minister can ascertain them, by the use of methods which shall include official examination of the crop and which may, at such stages in the production of a variety as the Minister may require, include examination of a plot sown with a sample from the seed lot sown in the field and the consideration of any other relevant information, the requirements for the crop set out below shall be met.

Varietal identity and varietal purity

2. The characteristics for the determination of varietal identity and varietal purity shall be those recognised as those of the variety for the purposes of the National List or the Common Catalogue.

Crop inspections

3. The crop shall be officially examined in such manner and at such times (when the cultural condition of the field and the stage of development and condition of the crop are such as to permit suitable checks of varietal identity, varietal purity and species purity to be made) as the Minister may reasonably require.

Previous cropping

4. The crop may be grown only on land which has not previously been cropped in a manner which might adversely affect the nature or quality of the seeds to be produced and which complies with the Minister's requirements in that respect.

Limitation of the number of harvest years

5. A crop to produce Pre-basic Seed, Basic Seed or Certified Seed of Italian ryegrass, and varieties of other kinds which are conducive to the establishment from shed seed of a high proportion of plants which themselves produce seeds, shall not be used to produce a crop in the second harvest year unless:—

- (a) Pre-basic Seed was produced in the first harvest year in which case Basic Seed may be produced, or
- (b) Basic Seed was produced in the first harvest year and the seeds sown to produce the crop were pre-basic Seed in which case Certified Seed may be produced.

Isolation distances

6. There shall be a physical barrier or at least 2 metres of fallow between the seed crops and any crop likely to cause contamination in the seed.

7. Throughout the period of flowering of the crop there shall be the following minimum distances from sources of undesirable pollen capable of fertilizing the crop:—

(a) Crucifers. Crops to produce—		
Basic Seed	400 metres	
Certified Seed	200 metres	
	Crop Area	
	up to 2	over 2
	hectares	hectares
(b) Field beans. Crops to produce—		
Basic Seed and Certified Seed 1st		
and 2nd generations	200 m	100 m
Certified Seed 3rd generation	100 m	50 m
(c) Other cross-fertilised species.		
Crops to produce—		
Basic Seed	200 m	100 m
Certified Seed	100 m	50 m

With the approval of the Minister these standards may be modified if there is adequate protection against undesirable pollen.

Standards for varietal purity

8. The crop shall have sufficient varietal identity and varietal purity. In particular the average level of the following impurities, by area or by number, as appropriate, shall not exceed—

	IN CROPS TO PRODUCE	
	Basic Seed	Certified Seed, Certified Seed of the First, Second and Third Generations
(a) recognisable off-types of the same species in grasses and herbage legumes (including Italian or awned ryegrass in perennial ryegrass and perennial or awnless ryegrass in Italian ryegrass) other than smooth-stalked meadowgrass	1 plant in 50 sq m	1 plant in 10 sq m
(b) recognisable off-types of the same species in smooth-stalked meadowgrass other than apomictic uni-clonal varieties	1 plant in 20 sq m	4 plants in 10 sq m
(c) recognisable off-types of the same species in apomictic uni-clonal varieties of smooth-stalked meadowgrass	1 plant in 20 sq m	6 plants in 10 sq m
(d) recognisable off-types of the same species in field peas and field beans	0.3%	1%
(e) recognisable off-types of the same species in swede and fodder kale	0.3%	1%
(f) recognisable off-types of the same species in vetches, lupins and fodder radish	1 plant in 30 sq m	1 plant in 10 sq m
(g) plants (other than those classified as off-types) grown from shed seeds in grasses and herbage legumes	1% of seed heads in crop	No standard

	IN CROPS TO PRODUCE	
	Basic Seed	Certified Seed, Certified Seed of the First, Second and Third Generations
(h) ryegrass in cocksfoot, meadow fescue, red fescue or tall fescue	1 plant in 50 sq m	1 plant in 10 sq m
(i) suckling clover (<i>Trifolium dubium</i> Sibth.) in white clover.		

PART II

CONDITIONS RELATING TO THE SEEDS

1. Basic Seed, Certified Seed and Certified Seed of the First, Second and Third Generations shall possess the varietal identity and varietal purity specified in Part I; for apomictic uni-clonal varieties of smooth-stalked meadowgrass the minimum varietal purity shall be 99.7% for Basic Seed and 98% for Certified Seed.
2. For lucerne and red clover, Basic Seed and seeds entered for the Higher Voluntary Standard shall be effectively fumigated if stem eelworm (*Ditylenchus dipsaci*) is reported on official examination of the crop.
3. The seeds shall be of a satisfactory state of health in so far as seed-borne diseases and organisms affecting the seeds are concerned.
4. For each seed lot of Basic Seed of field beans, a minimum of 1,000 seeds and, for each seed lot of Certified Seed of the First Generation of field beans, a minimum of 500 seeds shall be officially examined for *Ascochyta fabae* and the level of infection shall not exceed 1 seed in 1,000 for Basic Seed and 1 seed in 500 for Certified Seed of the First Generation.
5. The seeds shall comply with the following standards:—

Kind	Minimum germination (% by number of pure seeds or pure pellets) ^a	Maximum hard seed content (% by number of pure seeds or pure pellets)	Minimum analytical purity (% by weight)		Maximum total content of seeds of other plant species (% by weight)		
			Basic Seed and Certified Seed (minimum standard)	Certified Seed (Higher Voluntary Standard)	Basic Seed	Certified Seed (minimum standard)	Certified Seed (Higher Voluntary Standard)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Perennial ryegrass	80		96	98	0.3	1.5	1.5
Italian ryegrass	75		96	98	0.3	1.5	1.5
Hybrid ryegrass	75		96	98	0.3	1.5	1.5
Cocksfoot	80		90	90	0.3	1.5	1.5
Timothy	80		96	98	0.3	1.5	1.5
Meadow fescue	80		95	98	0.3	1.5	1.5
Smooth-stalked meadowgrass	75		85	90	0.3	2.0	1.5
Red fescue	75		90	95	0.3	1.5	1.5
Tall fescue	80		95	98	0.3	1.5	1.5
Red clover	80 ^b	20	97	98	0.3	1.5	1.5
White clover	80 ^b	40	97	98	0.3	1.5	1.5
Sainfoin	75 ^{bc}	20 ^c	95 ^c	98	0.3	2.5 ^c	1.5
Lucerne	80 ^b	40	97	98	0.3	1.5	1.5

^a All fresh and healthy seeds which do not germinate after pre-treatment shall be considered as seeds which have germinated.

^b Up to the maximum content indicated in column (3) hard seeds present shall be considered as seeds capable of germination.

^c Including Commercial Seed.

Kind	Minimum germination (% by number of pure seeds or pure pellets) ^a	Maximum hard seed content (% by number of pure seeds or pure pellets)	Minimum analytical purity (% by weight)	Maximum total content of seeds of other plant species (% by weight)		
	All categories	All categories	All categories	Basic Seed	Certified Seed, Certified Seed of the First, Second and Third Generations	Commercial Seed
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Red top	80		90	0.3	2.0	3.0
Other <i>Agrostis</i> spp	75		90	0.3	2.0	3.0
Tall oatgrass	80		90	0.3	3.0	4.0
Sheep's fescue	75		85	0.3	2.0	3.0
<i>Poa</i> spp. other than <i>Poa pratensis</i>	75		85	0.3	2.0	3.0
Birdsfoot trefoil	75 ^b	40	95	0.3	1.8	2.8
Narrow-leaved lupin (Blue lupin)	75 ^b	20	98 ^d	0.3	0.5	1.5
Other lupins	80 ^b	20	98 ^d	0.3	0.5	1.5
Trefoil	80 ^b	20	97	0.3	1.5	2.5
Alsike clover	80 ^b	20	97	0.3	1.5	2.5
Vetches	85 ^b	20	98 ^d	0.3	1.0	2.0
Swede	80		98	0.3	1.0	e
Fodder kale	75		98	0.3	1.0	e
Fodder radish	80		97	0.3	1.0	e
Field pea	80		98	0.3	0.5	e
Field bean	85 ^b	5	98	0.3	0.5	1.5

^a All fresh and healthy seeds which do not germinate after pre-treatment shall be considered as seeds which have germinated.

^b Up to the maximum content indicated in column (3), hard seeds present shall be considered as seeds capable of germination.

^d For Commercial Seed 97%.

^e No Commercial Seed.

6. The seeds shall also comply with the following standards where appropriate. Where number standards are indicated a sample of the size indicated in column 2 should be examined.

Kind	Weight of sample for determination of foreign seeds by number (grams)	Maximum permitted content of seed impurities (by number or as a percentage by weight)														Other Requirements		
		Avena fatua, A. ludoviciana and A. sterilis (Wild Oat) or Cuscuta spp. (Dodder)		Rumex spp. (Dock) and Sorrels (Sheep's sorrel) and R. maritimus (Golden dock)		Alopecurus myosuroides (Blackgrass)		Agropyron repens (Couch)		Melilotus spp. (Sweetclovers)		Maximum content of any one other plant species						
		Basic Seed	Certified Seed	Basic Seed	Certified Seed	Basic Seed	Certified Seed	Basic Seed	Certified Seed	Basic Seed	Certified Seed	Basic Seed	Certified Seed	Minimum Standard	Higher Voluntary Standard			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
Perennial ryegrass	60	0	0a	5	20	10	5	0-3	10	5	0-5	10	—	—	20b	1-0	0-5cg	d
Italian ryegrass	60	0	0a	5	20	10	5	0-3	10	5	0-5	10	—	—	20b	1-0	0-5cg	
Hybrid ryegrass	60	0	0a	5	20	10	5	0-3	10	5	0-5	10	—	—	20b	1-0	0-5cg	
Cocksfoot	30	0	0a	5	10	10	5	0-3	10	5	0-3	10	—	—	20b	1-0	0-5	
Timothy	10	0	0a	2	5	4	1	0-3	10	1	0-3	10	—	—	20	1-0	0-5e	
Meadow fescue	50	0	0a	5	20	10	5	0-3	10	5	0-5	10	—	—	20b	1-0	0-5fg	
Smooth-stalked Meadowgrass	5	0	0a	1	2	2	1	0-3	3	1	0-3	3	—	—	20	1-0i	0-5m	
Red fescue	30	0	0a	5	10	10	5	0-3	10	5	0-5	10	—	—	20b	1-0	0-5g	
Tall fescue	50	0	0a	5	20	10	5	0-3	10	5	0-5	10	—	—	20b	1-0	0-5fg	
Red clover	50	0	0	5	20	10	—	—	10	—	—	10	0j	0-3	20	1-0	0-5	
White clover	20	0	0	5	10	10	—	—	10	—	—	10	0j	0-3	20	1-0	0-5	
Sainfoin Seed/fruit	400/600	0	0k	5	20k	10	—	—	10	—	—	10	0	0-3k	20	1-0k	0-5	
Lucerne	50	0	0	5	20	10	—	—	10	—	—	10	0j	0-3	20	1-0	0-5	

a For Certified Seed, minimum standard, 1 seed of dodder in a sample of the size specified in column (2) shall not be regarded as an impurity if a second sample of the same weight is free from dodder.
 b The presence of a maximum of 80 seeds of *Poa* spp. in a sample of the size specified in column (2) shall not be regarded as an impurity.
 c There shall be no more than 0-4% by weight of annual meadowgrass.
 d In Basic Seed awned ryegrass seeds shall not exceed 5 seeds in a sample of the size specified in column (2) of seeds of a variety known not to produce seeds with awns. In Certified Seed awned ryegrass seeds shall not exceed 1% by weight in seeds of a variety known not to produce seeds with awns.
 e There shall be no more than 0-3% by weight of ryegrasses.
 f There shall be no more than 0-3% by weight of ryegrasses.
 g There shall be no more than 0-3% by weight of rough-stalked meadowgrass.
 h For Certified Seed, Higher Voluntary Standard, of red fescue, there shall be no more than a total of 4 seeds of ryegrass, cocksfoot and meadow fescue in a sample of the size specified in column 2.
 i 1 seed of *Melilotus* spp. in a sample of the size specified in column (2) shall not be regarded as an impurity if a second sample of twice that size is free of *Melilotus* spp.
 j 1 seed of *Melilotus* spp. in a sample of the size specified in column (2) shall not be regarded as an impurity if a second sample of twice that size is free of *Melilotus* spp.
 k In Certified Seed a maximum of 0-8% by weight of seeds of other meadowgrasses shall not be regarded as an impurity.
 m In Certified Seed a maximum of 0-4% by weight of seeds of other meadowgrasses shall not be regarded as an impurity.

Kind	Weight of sample for determination of foreign seeds by number	Maximum permitted content of seed impurities (by number or as a percentage by weight)														Other Requirements
		Avena fatua, A. ludoviciana, and A. sterilis or Cuscuta spp.		Rumex spp. excluding R. acetosella and R. maritimus		Alopecurus myosuroides		Agropyron repens		Melilotus spp.		Maximum content of any one other plant species				
		Basic Seed	All other categories	Basic Seed	All other categories	Basic Seed	All other categories	Basic Seed	All other categories	Basic Seed	All other categories	Basic Seed	Certified Seed or Certified 1st, 2nd or 3rd Generations %	Commercial Seed %		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	
Red top	5	0	0l	1	2	1	0-3	1	0-3	—	—	20	1-0	2-0		
Other Agrostis spp.	5	0	0l	1	2	1	0-3	1	0-3	—	—	20	1-0	2-0		
Tall oatgrass	80	0	0lm	5	20	5	0-3	5	0-5	—	—	20b	1-0n	2-0n		
Sheep's fescue	30	0	0l	5	10	5	0-3	5	0-5	—	—	20b	1-0	2-0		
Annual meadowgrass	10	0	0l	1	5	1	0-3	1	0-3	—	—	20p	1-0q	2-0r		
Rough-stalked meadowgrass	5	0	0l	1	2	1	0-3	1	0-3	—	—	20p	1-0q	2-0s		
Wood meadowgrass	5	0	0l	1	2	1	0-3	1	0-3	—	—	20p	1-0q	2-0s		
Birdsfoot trefoil	30	0	0	5	10	—	—	—	—	0j	0-3	20	1-0u	2-0t		
Narrow-leaved lupin (Blue lupin)	1,000	0	0	5	20	—	—	—	—	0	0-3	20	0-3v	1-3v	w	
Other lupins	1,000	0	0	5	20	—	—	—	—	0	0-3	20	0-3v	1-3v	w	
Trefoil	50	0	0	5	20	—	—	—	—	0j	0-3	20	1-0	2-0		
Alsike clover	20	0	0	5	10	—	—	—	—	0j	0-3	20	1-0	2-0		
Vetches	1,000	0	0	5	20	—	—	—	—	0	0-3	20	0-5y	1-5yx	y	
Sweeds and kale	100	0	0l	5	20	—	—	—	—	—	—	20	0-5	t	y	
Fodder radish	300	0	0	5	20	—	—	—	—	—	—	20	0-5	t	y	
Field pea	1,000	0	0	5	20	—	—	—	—	0	0-3	20	0-3	t		
Field bean	1,000	0	0	5	20	—	—	—	—	0	0-3	20	0-3	1-3		

b The presence of a maximum of 80 seeds of *Poa* spp. in a sample of the size specified in column (2) shall not be regarded as an impurity.

i 1 seed of *Melilotus* spp. in a sample of the size specified in column (2) shall not be regarded as an impurity if a second sample of twice that size is free of *Melilotus* spp.

l 1 seed of dodder in a sample of the size specified in column (2) shall not be regarded as an impurity if a second sample of the same weight is free from dodder.

m A maximum of (2) seeds of wild oat in a sample of the size specified in column (2) shall not be regarded as an impurity if a second sample of the same weight is free from wild oat.

n The presence of the seeds of any single *Poa* spp. may exceed the percentage by weight specified.

p In Basic Seed of meadowgrasses there shall be no more than 1 seed of *Poa* spp. other than the species being examined in a sample of 500 seeds.

q In Certified Seed of meadowgrasses a maximum of 0.8% by weight of seeds of other meadowgrasses shall not be regarded as an impurity.

r 10% by weight of other *Poa* spp. shall not be regarded as an impurity.

s 3% by weight of other *Poa* spp. shall not be regarded as an impurity.

t No Commercial Seed.

u The presence of a maximum of 1.0% by weight of seeds of red clover shall not be regarded as an impurity.

v The presence of a maximum of 0.5% by weight in total of seeds of white, narrow-leaved (blue) and yellow lupins, Hungarian, common and hairy vetch, field pea and field bean shall not be regarded as an impurity.

w In Basic Seed of lupins the percentage by number of bitter lupins in sweet varieties shall not exceed 1.0. In Certified Seed of lupins the percentage by number of bitter lupin seeds in sweet varieties shall not exceed 3.0 and the percentage by number of seeds of another colour shall not exceed 2.0 in bitter lupins and 1.0 in other lupins. In Commercial Seed of lupins the percentage by number of bitter lupin seeds in sweet varieties shall not exceed 5.0 and the percentage by number of seeds of another colour shall not exceed 4.0 in bitter lupins and 2.0 in other lupins.

x The presence of a maximum of 6% by weight in total of seeds of Hungarian, common and hairy vetch shall not be regarded as an impurity.

y For all categories there shall be no more than a maximum of 0.3% by weight of *Raphanus raphanistrum* (wild radish) or *Sinapis arvensis* (charlock).

PART III

Ascochyta Fabae STANDARDS

<i>Category</i>	<i>Maximum percentage of infected seeds</i>
Certified Seed of the Second Generation	1.0

Regulations 3(1), 7(1) and (2) and 10(5)

SCHEDULE 5

PART I

SAMPLING OF SEED LOTS

1. A sample shall be obtained from the seed lot by taking primary samples at random from different positions in the lot and combining them to form a composite sample. The composite sample may be submitted for testing intact but if the composite sample is too large it may be reduced in weight by using an approved seed sample divider, to give the submitted sample.

Primary sample size

2. At each position of sampling of a seed lot, primary samples of approximately equal size shall be taken.

Condition of the Seed Lot

3. The seed lot to be sampled shall have been subject to appropriate mixing and blending techniques so that it is as uniform as practicable. There shall be no documentary or other evidence of heterogeneity. If a seed lot is presented for sampling in more than one container, the containers shall be of the same size and type and contain approximately the same weight of seed.

Sampling from Sacks

4. When the seed lot is in sacks or similar sized containers each containing more than 15 kg of seed and not more than 100 kg of seed, the minimum number of containers to be sampled shall be in accordance with the following table:—

Number of containers in the lot	Minimum number of containers to be sampled
1-5	Sample each container and always take at least five primary samples
6-30	Sample five containers or at least one in every three containers, whichever is the greater
31-400	Sample 10 containers or at least one in every 5 containers, whichever is the greater
401 or more	Sample 80 containers or at least one in every seven containers, whichever is the greater

5. The containers to be sampled shall be selected at random and primary samples drawn from the top, middle and the bottom of containers, but not necessarily from more than one position in any container. The position from which the seed is taken shall be varied from container to container.

Sampling from small containers

6. For sampling seed lots in containers holding 15 kg of seed or less, a 100 kg weight of seed shall be taken as the basic unit and the small containers shall be combined to form sampling units not exceeding this weight (eg six packages of 15 kg, 20 packages of 5 kg). For sampling purposes each unit shall be regarded as one container and the sampling procedures prescribed in paragraphs 4 and 5 above shall be used.

7. When seed is in moisture-proof containers the opened or pierced containers shall be adequately closed or the residues from sampling transferred to new containers. When seeds are in very small packets (100 g or less) each packet may be considered as a primary sample and sufficient shall be taken at random to obtain a submitted sample of the minimum size prescribed in Part II of this Schedule.

Sampling from large containers or seed in bulk

8. For the sampling of containers holding more than 100 kg of seed, and for the sampling of seed in bulk, primary samples shall be taken from different horizontal and vertical positions selected at random and the following shall be regarded as the minimum requirement:—

Lot weight	Number of primary samples to be taken
up to 500 kg	at least five primary samples
501–3000 kg	one primary sample for each 300 kg but not less than five
3001–20,000 kg	one primary sample for each 500 kg but not less than 10

Sampling from a seed stream

9. Samples may be drawn from a seed stream during processing using an automatic sampling device, which shall uniformly sample the entire cross-section of the seed stream when a sample is taken. Portions of seed shall be taken at regular intervals throughout the processing of the lot using the same sampling intensity as for seed in bulk (see paragraph 8 above).

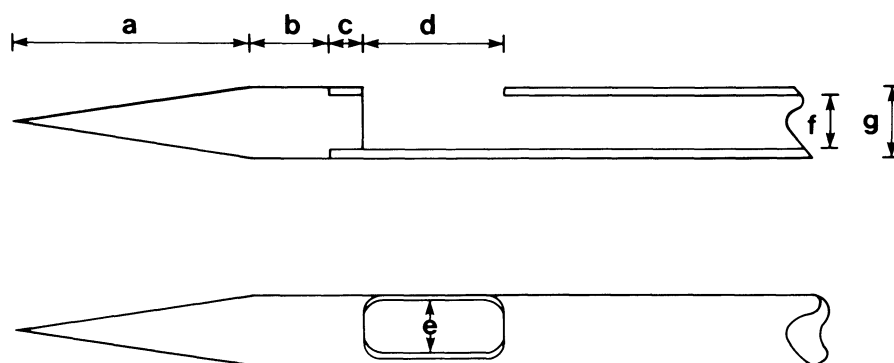
Sampling Instruments

10. Sampling instruments shall be capable of sampling all parts of the seed lot. Where it is not practicable to use one of the instruments or methods described in this Schedule other instruments or methods may be used at the discretion of the Minister.

11. The instrument used for drawing primary samples shall be one of those described below as appropriate to the location of the seeds, or any other suitable instrument for the time being approved by the Minister.

(i) Dynamic Spear Sampler

This instrument may be used, in accordance with the methods described in paragraph 12(i) below, for sampling seeds in sacks or small containers. It shall be a hollow, cylindrical, solid-pointed metal spear or trier which shall be long enough to reach beyond the middle of the sack from the side and shall have an aperture so positioned that portions of seed of equal volume are removed from each part of the sack through which it travels.



Dimensions (mm)

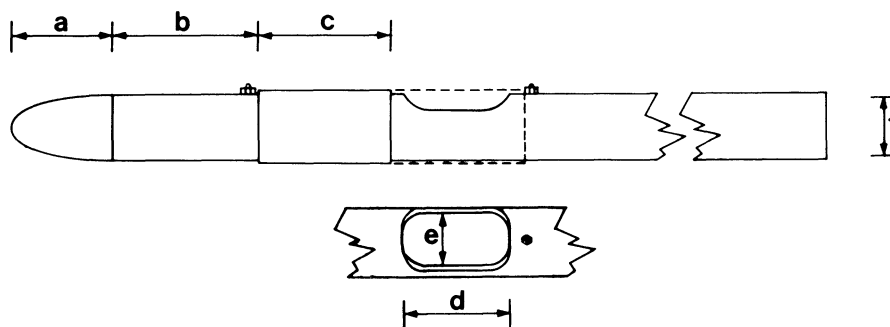
	Point (a)	Shoulder (b)	Boss (c)	Aperture Length (d)	Aperture Width (e)	Bore (f)	Outside Diameter (g)
For sampling:							
All kinds other than field pea, field bean, lupins, vetches, sain- foin (fruit)	42	7	8	20	8	10	12
All kinds other than field pea, field bean, lupins, vetches	85	12	10	33	11	13	15
All kinds	82	12	13	40	15	17	19

(ii) Stick Samplers

These instruments shall have an aperture or apertures which shall be of sufficient size to allow the unrestricted entry of seeds or other particles and which shall be capable of being opened and closed during the sampling procedure as appropriate to the method of use described in paragraph 12(ii).

a. *Single chamber type*

This instrument may be used for sampling seeds in open sacks, in large containers or in bulk

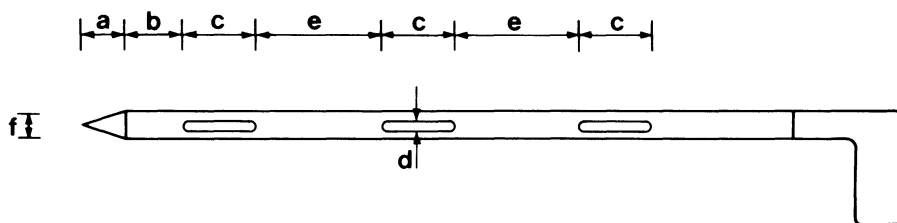


Dimensions (mm)

	Point (a)	Shoulder (b)	Sliding Sleeve Length (c)	Aperture Length (d)	Aperture Width (e)	Bore Width (f)
For sampling:						
Seeds in sacks	55	25	75	50	22	25
Seeds in large containers or in bulk	100	390	63	50	22	30

b. *Multi-chamber type*

This instrument may be used to sample seeds in sacks or, subject to the requirements of paragraph 10 above, any other containers. The apertures shall open into chambers that shall be separated from one another by transverse partitions. The contents of each chamber shall be regarded as a primary sample.



Dimensions (mm)

	Point (a)	Shoulder (b)	Aperture Length (c)	Aperture Width (d)	Aperture Separation (e)	Bore Width (f)
For sampling:						
All kinds	60	50	100	15	110	25

(iii) Cargo Sampler

This instrument shall only be used, in accordance with the method described in paragraph 12(iii) below, for sampling seed in large containers or bulk and shall only be used in the vertical position.

(iv) Seed Stream Samplers

Seed stream samplers shall uniformly sample the cross section of the seed stream without any loss of the seeds that enter the sampler, in accordance with the method described in paragraph 12(iv) below. Timing devices shall be attached so that the frequency and duration of sampling can be adjusted to meet the requirements of paragraph 9.

Methods of Use

12. All instruments shall be clean before use. The methods of using these instruments shall be as follows:—

(i) Dynamic Spear Sampler

These samplers may be used in two ways as appropriate to their length.

Method 1 (For instruments in which the aperture reaches only to the centre of the sack or small container)

The instrument shall be inserted into the sack in an upward direction at an angle of approximately 30° to the horizontal with its aperture downwards until the aperture reaches the centre of the sack or container. The instrument shall be lightly tapped to remove any seed taken in and then rotated to bring the aperture uppermost. It shall be withdrawn immediately with a vibratory or oscillatory motion and at a decreasing speed so that the quantity of seed obtained from successive locations increases progressively from the centre to the side of the sack. Seed passing through the instrument shall be collected in a clean container.

Method 2 (For instruments in which the aperture reaches to the far side of a sack or small container)

A longer instrument shall be inserted in the manner described in method 1 above until its aperture reaches almost to the far side of the sack or container. It shall be tapped and rotated in the manner described above and then withdrawn at a uniform speed. Seed passing through the instrument shall be collected in a clean container.

(ii) Stick Sampler

(a) *Single Chamber Type*

- a. The sleeve shall move freely.
- b. The instrument shall be inserted vertically downwards till the aperture reaches the appropriate primary sampling position ensuring that the sleeve covers the aperture as it enters the seed.
- c. The instrument shall be withdrawn sufficiently to uncover the aperture.
- d. The instrument shall be left in position until the primary sample has been collected.
- e. The instrument shall be withdrawn and the contents emptied into a clean container.

(b) *Multi Chamber Type*

- a. The apertures shall be closed before insertion.
- b. The instrument shall be inserted diagonally into sacks or vertically into large containers so that all apertures are fully covered.
- c. The apertures shall be opened.
- d. The instrument shall be agitated so that seed enters.
- e. The apertures shall be closed gently to ensure that trapped seed is not broken or damaged.
- f. The instrument shall be withdrawn and if the chambers are full the contents shall be emptied onto a clean surface or into a clean container.
- g. If all the chambers are not full, the contents shall be discarded and procedures a-f shall be repeated.

(iii) *Cargo Sampler*

- a. The lid shall open and close easily.
- b. The instrument shall be inserted with the lid closed to the appropriate primary sampling position which shall be at least 300 mm below the surface of the seed.
- c. The handle shall be raised sufficiently to open the lid.
- d. The instrument shall be left in position until the primary sample has been collected.
- e. The instrument shall be withdrawn and the contents shall be emptied into a clean container.

(iv) *Seed Stream Samplers*

Such instruments shall be required to take the number of primary samples necessary for the weight of lot being sampled, the primary samples being taken from the lot at regular intervals and the resultant composite sample being of a weight not less than that prescribed in Part II below and not greater than can conveniently be reduced by means of one of the methods of sample reduction described in paragraph 14 below. They shall be installed in such a way that the composite sample shall be readily identifiable with the seed lot from which it was taken.

Obtaining submitted sample—composite sample division instruments

13. Provided the composite sample is of at least the minimum weight prescribed in Part II below for a submitted sample for a particular kind of seed, it may be used as the submitted sample. Where the composite sample exceeds the weight prescribed for the submitted sample, any of the following instruments may be used to obtain the submitted sample. Other instruments and methods may be used at the discretion of the Minister.

(i) *Riffle Divider*

The riffle divider shall consist of a rectangular hopper leading to a series of evenly spaced chutes, arranged so that seed is distributed equally on two sides. There shall be a minimum of 18 chutes, each discharging in the opposite direction to its immediate neighbour.

Three (or more) metal collecting vessels (pans) of sufficient depth to prevent seed bouncing out shall be used.

(ii) *Centrifugal Divider*

The centrifugal divider shall consist of a hopper from which seed flows on to a shallow cup which is then rotated by an electric motor. The seed shall

be distributed by centrifugal force onto a stationary baffle which divides it into two equal parts which are then discharged through separate spouts.

Four metal collecting vessels (pans) of sufficient depth to prevent seed bouncing out shall be used.

Methods of Use

14. The methods of using these instruments shall be as follows:

(i) *Riffle Divider*

- a. The divider shall be placed on a firm level surface.
- b. The divider and pans shall be clean.

Sample Mixing

- c. An empty pan shall be placed on each side of the divider to receive the discharge from the chutes.
- d. The entire composite sample shall be poured evenly into the other pan(s).
- e. The seed shall then be poured from the pan(s) evenly along the entire length of the hopper.
- f. The two pans into which the seed has passed shall then be replaced with empty pans.
- g. Procedures e. and f. shall then be repeated twice to mix the sample thoroughly.

Sample Reduction

- h. Before reduction, the composite sample shall have been thoroughly mixed using procedures c.-g. The contents of one of the two receiving pans shall then be set aside. If the seed in the second pan is of at least the minimum weight prescribed in Part II below for a submitted sample of a particular kind of seed, it may be used as the submitted sample. If the weight of seed in the second pan is greater than the appropriate minimum weight prescribed in Part II below for a submitted sample, it may be reduced using the following procedures (i.-k.).
- i. An empty pan shall be placed on each side of the divider to receive the discharge from the chutes.
- j. The contents of the second pan shall be poured evenly along the entire length of the hopper.
- k. The contents of one of the two pans into which the seed has passed shall then be set aside. If the weight of seed in the other pan is still greater than the appropriate minimum weight prescribed in Part II below for the submitted sample, it may be submitted intact or it may be reduced further using procedures i.-k.
- l. If the weight of seed in either of the two pans at either h. or k. is less than the appropriate minimum weight prescribed in Part II below for a submitted sample, the following procedures (m.-q.) shall be used.
- m. An empty pan shall be placed on each side of the divider to receive the discharge from the chutes.
- n. The contents of one of the pans shall be set aside. The contents of the other pan shall be poured evenly along the entire length of the hopper.
- o. One receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place.
- p. The contents of the pan removed at o. shall be poured evenly along the entire length of the hopper so that two subsamples of different weight shall be produced.

- q. Procedures o. and p. above, when repeated, constitute the process of continuous halving, and shall be repeated using whichever subsample is appropriate until sufficient seed is obtained in one pan, which when added to the seed set aside at n. produces a submitted sample of at least the appropriate minimum weight prescribed in Part II below.

Obtaining more than one submitted sample

- r. Two submitted samples shall be obtained from a composite sample by first obtaining a sample of at least twice the appropriate minimum weight prescribed in Part II below for a submitted sample, using procedures c.-g., and h.-q. as appropriate, and then dividing it into two parts by passing it once through the divider.
- s. When three submitted samples are required from one composite sample, one sample of at least the appropriate minimum weight prescribed in Part II below for a submitted sample, shall be extracted using procedures c.-g., and h.-q. as appropriate. All portions of seed which have been set aside shall then be recombined and the residue of the composite sample so obtained shall be subject to the procedure at r. above.

(ii) *Centrifugal Divider*

- a. The divider shall be levelled prior to use.
- b. The divider and pans shall be clean.

Sample Mixing

- c. An empty pan shall be placed under each spout of the divider.
- d. The entire composite sample shall be poured into the centre of the hopper.
- e. The motor shall be operated so that the seed passes into the pans.
- f. The motor shall be switched off.
- g. The two pans containing seed shall be removed and replaced by empty ones.
- h. The contents of both pans removed at g. shall be poured together into the centre of the hopper, the seed being allowed to blend as it flows in. Procedures e., f. and g. shall be repeated.
- i. Procedure h. shall be repeated to mix the sample thoroughly.

Sample Reduction

- j. Before reduction, the composite sample shall have been thoroughly mixed using procedures c.-i. The contents of one of the two receiving pans shall then be set aside. If the seed in the second pan is of at least the minimum weight prescribed in Part II below for a submitted sample of a particular kind of seed, it may be used as the submitted sample. If the weight of seed in the second pan is greater than the appropriate minimum weight prescribed in Part II below for a submitted sample, it may be reduced using the following procedures (k.-m.).
- k. Empty pans shall be placed under the spouts.
- l. The contents of the second pan shall be poured into the hopper and procedures e. and f. shall be repeated.
- m. The contents of one of the two pans into which the seed has passed shall then be set aside. If the weight of seed in the other pan is still greater than the appropriate minimum weight prescribed in Part II below for a submitted sample, it may be submitted intact or it may be reduced further using procedures k.-m.
- n. If the weight of seed in either of the two pans at either j. or m. is less than the appropriate minimum weight prescribed for a submitted sample in Part II below, the following procedures (o.-s.) shall be used.

- o. Empty pans shall be placed under the spouts.
- p. The contents of one of the pans shall be set aside. The contents of the other pan shall be poured into the centre of the hopper and procedures e. and f. shall be repeated.
- q. One receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place.
- r. The contents of the pan removed at q. shall be poured into the centre of the hopper and procedures e. and f. shall be repeated so that two sub-samples of different weight shall be produced.
- s. Procedures q. and r. above, when repeated, constitute the process of continuous halving, and shall be repeated using whichever subsample is appropriate until sufficient seed is obtained in one pan, which when added to the seed set aside at p., produces a submitted sample of at least the appropriate minimum weight prescribed in Part II below.

Obtaining more than one submitted sample

- t. Two submitted samples shall be obtained from a composite sample by first obtaining a sample of at least twice the appropriate minimum weight prescribed in Part II below for a submitted sample, using procedures c.-i., and j.-s. as appropriate, and then dividing it into two parts by passing it once through the divider.
- u. When three submitted samples are required from one composite sample, one sample, of at least the appropriate minimum weight prescribed in Part II below for a submitted sample, shall be extracted using procedures c.-i., and j.-s. as appropriate. All portions of seed which have been set aside shall then be recombined and the residue of the composite sample so obtained shall be subject to procedure t. above.

Moisture samples

15. Primary samples of seed for moisture tests shall be drawn in such a way as to minimise exposure to the atmosphere. The composite sample so collected shall be submitted intact to the seed testing station in an airtight container. It shall not be passed through a seed divider. Seed for moisture tests shall be kept separate from seed on which other determinations are to be made.

PART II

Maximum weight of a seed lot and minimum weight of a submitted sample

The maximum weight of a seed lot and minimum weight of a submitted sample shall be as indicated below:—

a. For the following kinds of seeds—

White lupin	Hungarian vetch	Field pea
Narrow-leaved lupin (Blue lupin)	Common vetch	Field bean
Yellow lupin	Hairy vetch	

- (i) the maximum weight of a lot shall be 20 tonnes
- (ii) the minimum weight of a submitted sample shall be 1,000 g except that for white lupin, narrow-leaved lupin (blue lupin), yellow lupin, field pea and field bean the minimum weight shall be, for
Breeder's Seed, Pre-basic Seed and Basic Seed—3,000 g
Certified Seed, Certified Seed 1st, 2nd and 3rd Generations—2,000 g

b. For all other kinds of seeds the maximum weight of a lot shall be 10 tonnes and the minimum weight of a submitted sample shall be as stated:—

Kinds of seeds	Minimum submitted sample weights (g)	
	Breeder's, Pre-basic and Basic Seed	All other Categories
Velvet bent	150	50
Red top	150	50
Creeping bent	150	50
Brown top	150	50
Tall oatgrass	300	200
Cocksfoot	300	200
Fescues	300	200
Ryegrasses	300	200
Timothy	200	100
Meadowgrasses	150	50
Birdsfoot trefoil	300	200
Trefoil	300	300
Lucerne	300	300
Sainfoin—fruit	600	600
Sainfoin—seed	400	400
Alsike clover	300	200
Red clover	300	300
White clover	300	200
Swede	300	200
Fodder kale	300	200
Fodder radish	300	300

c. The maximum weight of a seed lot of a mixture of seeds to which regulation 5(2) applies shall be 10 tonnes, except that, where more than 50% of the mixture consists of kinds of seeds for which the maximum seed lot weight prescribed in seeds regulations is 20 tonnes or more, the maximum weight of a mixture shall be 20 tonnes.

Regulations 5(3) and 9(2), (4) and (7)

SCHEDULE 6

PART I

A. OFFICIAL LABEL FOR A PACKAGE OF BREEDER'S SEED

- (a) Prescribed contents
1. Certifying Authority
 2. Reference number
 3. Month and year when officially sealed
 4. Kind
 5. Variety
 6. "Breeder's Seed"
 7. Declared net or gross weight or declared number of seeds
 8. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seed and the total weight
- (b) Minimum size of the label—110 mm × 67 mm
- (c) The label shall be coloured violet

B. OFFICIAL LABEL FOR A PACKAGE OF PRE-BASIC SEED

- (a) Prescribed contents
1. Certifying Authority and Member State or their mark
 2. Reference number of lot
 3. Month and year when officially sealed
 4. Kind
 5. Variety
 6. "Pre-Basic Seed"
 7. Country of production
 8. Declared net or gross weight or declared number of seeds
 9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seed and the total weight
 10. Number of generations preceding seed of the categories "Certified Seed" or "Certified 1st Generation Seed"
- (b) Minimum size of the label—110 mm × 67 mm
- (c) The label shall be coloured white with a diagonal violet line

C. OFFICIAL LABEL FOR A PACKAGE OF BASIC SEED,
CERTIFIED SEED OR CERTIFIED SEED OF THE FIRST,
SECOND AND THIRD GENERATIONS

- (a) Prescribed contents
1. "EEC rules and standards"
 2. Certifying Authority and Member State or their mark
 3. Reference number of the lot
 4. Month and year when officially sealed
 5. Kind
 6. Variety

7. Category
 8. Country of production
 9. Declared net or gross weight or declared number of seeds
 10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seed and the total weight
 11. For Certified Seed of the Second and Third Generations and subsequent generations from Basic Seed: number of generations from Basic Seed
 12. For seeds of grass varieties, in respect of which no official examination of their value for cultivation and use has been carried out: "Not intended for fodder production"
- (b) Minimum size of the label—110 mm × 67 mm
- (c) The label shall be coloured white for Basic Seed, blue for Certified Seed and Certified Seed of the First Generation and red for Certified Seed of the Second and Third Generations.

D. OFFICIAL LABEL FOR A PACKAGE OF COMMERCIAL SEED

- (a) Prescribed contents
1. "EEC rules and standards"
 2. "Commercial Seed (not certified as to variety)"
 3. Service responsible for sealing and Member State or their mark
 4. Reference number of lot
 5. Month and year when officially sealed
 6. Kind (for lupins, it shall be stated whether they are bitter or sweet)
 7. Country of production (or region of production within a country)
 8. Declared net or gross weight or declared number of seeds
 9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seed and the total weight
- (b) Minimum size of the label—110 mm × 67 mm
- (c) The label shall be coloured brown

E. OFFICIAL LABEL FOR A PACKAGE OF A MIXTURE OF SEEDS

- (a) Prescribed contents
1. "Seed mixture for " (intended use)
 2. Service responsible for sealing and Member State or their mark
 3. Reference number of the lot
 4. Month and year when officially sealed
 5. Proprietary name of the mixture or kinds of the constituents
 6. Declared net or gross weight or declared number of seeds
 7. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seed and the total weight
- (b) Minimum size of the label—110 mm × 67 mm
- (c) The label shall be coloured green

F. FURTHER PARTICULARS TO BE GIVEN IN RESPECT OF A MIXTURE OF SEEDS—OTHER THAN A MIXTURE ON A SMALL PACKAGE OF SEEDS NOT INTENDED FOR USE FOR AGRICULTURAL PURPOSES

For each constituent

1. Kind
2. Category
3. Variety (except for Commercial Seed)
4. Proportion by weight of the mixtures.

PART II

SMALL PACKAGES

A. SUPPLIER'S LABEL FOR A SMALL PACKAGE OF PRE-BASIC OR BASIC SEED

(a) Prescribed contents

1. "EEC rules and standards"
2. Name and address of the supplier responsible for affixing the label or his identification mark
3. Reference number of the lot
4. Kind
5. Variety
6. Category
7. Declared net or gross weight or declared number of seeds except in the case of packages not exceeding 15 grams net weight
8. "Passed for marketing in the United Kingdom only"

(b) The label shall be coloured white with a diagonal violet line for Pre-basic Seed and white for Basic Seed.

B. SUPPLIER'S LABEL FOR A SMALL PACKAGE OF A MIXTURE OF SEEDS FOR USE FOR AGRICULTURAL PURPOSES

(a) Prescribed contents

1. "Seed mixture for agriculture use"
2. Name and address of person responsible for sealing package or his identification mark
3. Reference number of the lot
4. Proprietary name of the mixture or kinds of the constituents
5. Declared net weight
6. "Passed for marketing in the United Kingdom only"

(b) The label shall be coloured green

C. SUPPLIER'S LABEL FOR A SMALL EEC 'A' PACKAGE OF A MIXTURE OF SEEDS NOT INTENDED FOR AGRICULTURAL PURPOSES

(a) Prescribed contents

1. "Small EEC 'A' package"
2. Name and address of supplier responsible for affixing the label or his identification mark
3. Member State or its identification mark ie "packed in UK"

4. Reference number of the lot
5. "Seed mixture for "
(intended use)
6. Net or gross weight or declared number of seeds except in the case of packages not exceeding 15 grams net weight
7. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used the nature of the additive and the approximate ratio between the weight of seeds and the total weight
8. Proportion by weight of the various constituents shown by kinds and where appropriate by variety
9. "With ryegrass" or "without ryegrass"

(b) The label shall be coloured green

D. SUPPLIER'S LABEL FOR A SMALL EEC 'B' PACKAGE OF CERTIFIED OR COMMERCIAL SEED OTHER THAN A MIXTURE

(a) Prescribed contents

1. "Small EEC 'B' package"
2. Name and address of supplier responsible for affixing the label or his identification mark
3. Officially assigned serial number
4. Member State or its identification mark ie "packed in UK"
5. Reference number of the lot
6. Kind (for lupins, it shall be stated whether they are bitter or sweet)
7. Variety (if appropriate)
8. Category
9. Net or gross weight or number of seeds except in the case of packages not exceeding 15 grams net weight
10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used the nature of the additive and the approximate ratio between the weight of seeds and the total weight

(b) The label shall be coloured blue for Certified Seed, Certified Seed of the First Generation, red for Certified Seed of subsequent generations and brown for Commercial Seed.

E. SUPPLIER'S LABEL FOR A SMALL EEC 'B' PACKAGE OF A MIXTURE OF SEEDS NOT INTENDED FOR AGRICULTURAL PURPOSES

(a) Prescribed contents

1. "Small EEC 'B' package"
2. Name and address of supplier responsible for affixing the label or his identification mark
3. Officially assigned serial number
4. Member State or its identification mark ie "packed in UK"
5. Reference number of the lot
6. "Seed mixture for "
(intended use)
7. Net or gross weight or declared number of seeds except in the case of packages not exceeding 15 grams net weight

8. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used the nature of the additive and the approximate ratio between the weight of seeds and the total weight
 9. Proportion by weight of the various constituents shown by kinds and where appropriate by variety
 10. "With ryegrass" or "without ryegrass"
- (b) The label shall be coloured green

PART III

A. PARTICULARS TO BE MARKED OR DISPLAYED ON THE SALE OF UNPACKETED SEEDS OTHER THAN MIXTURES OF SEEDS

1. "Complies with legal standards"
2. Kind
3. Variety

B. PARTICULARS TO BE MARKED OR DISPLAYED ON THE SALE OF UNPACKETED MIXTURES OF SEEDS

1. Proprietary name of the mixture or kinds and proportion by weight of the constituents
2. "Seed mixture for "
(intended use)
3. "With ryegrass" or "without ryegrass"

Regulation 9(7)

SCHEDULE 7

MAXIMUM WEIGHT FOR RETAIL SALES OF UNPACKETED SEEDS

Velvet bent	}	2 kg
Red top		
Creeping bent		
Brown top		
Tall oatgrass		
Cocksfoot		
Tall fescue		
Sheep's fescue, Fine-leaved		
Sheep's fescue, Hard fescue		
Meadow fescue		
Red fescue, Chewings fescue		
Italian ryegrass (including Westerwolds ryegrass)		
Perennial ryegrass		
Hybrid ryegrass		
Timothy, Small timothy		
Annual meadowgrass		
Wood meadowgrass		
Smooth-stalked meadowgrass		
Rough-stalked meadowgrass		
Birdsfoot trefoil		
White lupin		
Narrow-leaved lupin (Blue lupin)		
Yellow lupin		
Trefoil, Black medick		
Lucerne		
Sainfoin		
Alsike clover		
Red clover		
White clover		
Hungarian vetch		
Common vetch		
Hairy vetch		
Swede		
Fodder kale		
Fodder radish		
Field pea	}	3 kg
Field bean		
Mixtures		7 kg

SCHEDULE 8

Regulation 10(2)

LIMITS OF VARIATION

GERMINATION

<i>Minimum percentage of germination</i>	<i>Limit of variation</i>
per cent	per cent
99-100	2
97-98	3
94-96	4
91-93	5
87-90	6
82-86	7
76-81	8
69-75	9
65-68	10

ANALYTICAL PURITY—(a) grasses

<i>Minimum percentage of analytical purity</i>	<i>Limit of variation</i>
per cent	per cent
99.9-100	0.2
99.7-99.8	0.4
99.5-99.6	0.5
99.3-99.4	0.6
99.0-99.2	0.7
98.8-98.9	0.8
98.3-98.7	0.9
98.0-98.2	1.0
97.5-97.9	1.1
97.0-97.4	1.2
96.5-96.9	1.3
96.0-96.4	1.4
95.0-95.9	1.5
94.0-94.9	1.6
93.0-93.9	1.7
92.0-92.9	1.9
91.0-91.9	2.0
90.0-90.9	2.1
88.0-89.9	2.2
86.0-87.9	2.4
84.0-85.9	2.5
82.0-83.9	2.6
80.0-81.9	2.8

ANALYTICAL PURITY—(b) legumes and crucifers

<i>Minimum percentage of analytical purity</i>	<i>Limit of variation</i>
per cent	per cent
99.9–100	0.2
99.8	0.3
99.6–99.7	0.4
99.3–99.5	0.5
99.0–99.2	0.6
98.5–98.9	0.7
98.3–98.4	0.8
97.5–98.2	0.9
97.0–97.4	1.0
96.5–96.9	1.1
95.5–96.4	1.2
95.0–95.4	1.3
94.0–94.9	1.4
93.0–93.9	1.5
92.0–92.9	1.6
91.0–91.9	1.7
90.0–90.9	1.8

CONTENT OF SEEDS OF OTHER SPECIES IN GRASSES

<i>Maximum seeds</i>	<i>Limit of variation</i>
per cent	per cent
0.0	0.2
0.1	0.3
0.2	0.4
0.3–0.4	0.5
0.5–0.6	0.6
0.7–0.9	0.7
1.0–1.2	0.8
1.3–1.7	0.9
1.8–1.9	1.0
2.0–2.4	1.1
2.5–2.9	1.2
3.0–3.4	1.3
3.5–3.9	1.4
4.0–4.9	1.5
5.0	1.6

CONTENT OF SEEDS OF OTHER SPECIES OR VARIETIES IN
LEGUMES AND CRUCIFERS

<i>Maximum seeds</i>	<i>Limit of variation</i>
per cent	per cent
0.0	0.1
0.1-0.2	0.3
0.3-0.4	0.4
0.5-0.6	0.5
0.7-0.9	0.6
1.0-1.4	0.7
1.5-1.7	0.8
1.8-2.4	0.9
2.5-2.9	1.0
3.0-3.4	1.1
3.5-4.4	1.2
4.5-4.9	1.3
5.0-5.9	1.4
6.0-6.9	1.5
7.0-7.9	1.6
8.0-8.9	1.7
9.0-9.9	1.8
10.0	1.9

NUMBER OF SEEDS OF OTHER SPECIES

<i>Maximum number of seeds</i>	<i>Limit of variation</i>
Number	Number
0	1
1	3
2	4
3-4	5
5-6	6
7-8	7
9-11	8
12-14	9
15-17	10
18-21	11
22-25	12
26-29	13
30-34	14
35-40	15
41-45	16
46-51	17
52-57	18
58-64	19
65-71	20
72-79	21
80-87	22
88-95	23
96-100	24

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations consolidate, with amendments, the provisions of the Fodder Plant Seeds Regulations 1980, as amended.

The regulations, which come into operation on 1st August 1985, continue to restrict the marketing in Great Britain of seeds of fodder plants to specified categories meeting prescribed standards (regulations 3(3), 5(1) and Schedule 4), to require such seeds to be sold in sealed packages labelled or marked with prescribed particulars (regulations 8 and 9 and Schedule 6) and to make tampering with labels prescribed by the regulations an offence (regulation 9(9)). The regulations also continue to make provision for the taking of samples for the verification of standards (regulation 7 and Schedule 5) and to provide that certain particulars stated or implied on a package of seeds are deemed to constitute a statutory warranty by the seller for the protection of the purchaser for the purpose of section 17 of the Plant Varieties and Seeds Act 1964 (regulation 10(1)).

The changes of substance made by these regulations are as follows—

- (1) seeds may only be marketed as Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First, Second or Third Generations or Commercial Seed if an official certificate has been issued in respect of them by the Minister of Agriculture, Fisheries and Food or the Secretary of State (in practice the Secretary of State for Scotland or the Secretary of State for Wales) ("the Minister") (regulation 3(3) and 5(1)) except for seeds produced elsewhere than in Great Britain (regulation 3(4)) and except as otherwise permitted under a general licence granted by the Minister under regulation 5(3)(d). Provision is made for the making of an application for an official certificate (regulation 6(1)) and the Minister is required to refuse to issue such a certificate (with certain exceptions) in respect of any seeds which fail to meet the appropriate standards set out in Schedule 4 to the regulations (regulation 6(2) and Schedule 2, paragraph 2). The Minister may also refuse to issue such a certificate, or withdraw a certificate which has been issued, in certain specified circumstances (regulation 6(2) and (3) and Schedule 2, paragraph 3);
- (2) where seeds which have been sampled for the purpose of being examined prior to the issue of an official certificate are subsequently subjected to chemical treatment, the seller is required to provide the purchaser with a written statement that the seeds have been subjected to such treatment (regulation 5(10));
- (3) revised varietal purity standards are prescribed for smooth-stalked meadowgrass (other than apomictic uni-clonal varieties) (Schedule 4, Part I, paragraph 8(b)) and for apomictic uni-clonal varieties of smooth-stalked meadowgrass (Schedule 4, Part I, paragraph 8(c)—where the standard is prescribed by reference to the number of plants in an area instead of in percentages—and Part II, paragraph 1);

- (4) Higher Voluntary Standards are prescribed for seeds of smooth-stalked meadowgrass (Schedule 4, Part II, paragraph 5);
- (5) revised rules are prescribed for the taking of samples (Schedule 5); and
- (6) where weight is indicated on a package of seeds, the weight of any pelleting substances must be included in the total weight in calculating the approximate ratio between the weight of seeds and the total weight of the package (Schedule 6).

The regulations implement Council Directive 66/401/EEC (OJ No. 125, 11.7.66, p. 2298/66) (OJ/SE 1965-66, p. 132) on the marketing of fodder plant seed as amended since the making of the consolidated regulations by Council Directive 85/38/EEC (OJ No. L16, 19.1.85, p. 41).

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