

1987 No. 1097

SEEDS

**The Oil and Fibre Plant Seeds (Amendment) Regulations
1987**

<i>Made - - - -</i>	<i>24th June 1987</i>
<i>Laid before Parliament</i>	<i>6th July 1987</i>
<i>Coming into force</i>	<i>27th July 1987</i>

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 and commencement

1. These Regulations may be cited as the Oil and Fibre Plant Seeds (Amendment) Regulations 1987 and shall come into force on 27th July 1987.

Amendment

2.—(1) The Oil and Fibre Plant Seeds Regulations 1985(c) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 3 (interpretation)—

(a) in paragraph (3) in the definition of “Commercial Seed” for the words “white mustard or soya bean” there shall be substituted the words “or white mustard”, and

(b) in paragraph (4) for the words “regulation 5(1)(b)(ii) or (iii) below” there shall be substituted the words “regulation 5(1)(b), (c) or (d) below”.

(3) In regulation 5 (marketing of seeds)—

(a) for paragraph (1) there shall be substituted the following paragraph—

“(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 List of Varieties) Regulations 1982 and which are Breeder’s Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified

(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. 1985/977.

Seed of the Second Generation or Certified Seed of the Third Generation, or

- (c) 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—
 - (i) 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
 - (ii) in the case of all other seeds, have been officially sealed in a Member State other than the United Kingdom, or
- (d) 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 sub-paragraph, which licence shall have effect during the period specified in it, unless the Ministers earlier revoke it.”; and
- (b) in paragraph (3)(a) for the words “in Schedule 4,” there shall be substituted the words “in Schedule 4 or Schedule 5,”.
- (4) In Schedule 5 (sampling of seed lots)—
 - (a) in Part I, in paragraph 9 after the words “an automatic sampling device” there shall be inserted the words “approved by the Minister”; and
 - (b) in Part II for the words “The maximum weight of a seed lot and minimum weight of a submitted sample shall be as indicated below:—” there shall be substituted the following words—

“The maximum weight of a seed lot shall be as indicated below (or a weight which does not exceed that indicated below by more than 5%) and the minimum weight of a submitted sample shall be as indicated below:—”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd June 1987.



John MacGregor
Minister of Agriculture, Fisheries and Food

24th June 1987

Sanderson of Bowden
Minister of State, Scottish Office

24th June 1987

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which amend the Oil and Fibre Plant Seeds Regulations 1985, implement article 4 of Commission Directive 87/120/EEC (OJ No. L49, 18.2.87, p.42) in so far as it amends Annex III of Council Directive 66/208/EEC (OJ No. L169, 10.7.69, p.3) (OJ/SE 1969 (ii), p.315) (as amended) on the marketing of oil and fibre plant seeds by providing that the maximum weight of a seed lot, set out in that Annex, from which a sample is to be drawn for certification shall not be exceeded by more than 5% (regulation 2(4)(b)).

These Regulations also implement article 1 of Commission Directive 86/109/EEC (OJ No. L93, 8.4.86, p.21) in so far as it amends Council Directive 66/208/EEC by prohibiting the placing on the market in Member States seed of *Glycine max* (L) Merr. (soya bean) of the Commercial seed category (regulation 2(2)(a)).

The other changes of substance made by these Regulations to the 1985 Regulations are—

(1) the provisions enabling Ministers, to grant equivalence by general licence for seeds produced elsewhere than in a Member State has been extended to seeds of the Commercial seed category (regulation 2(3)(a)); and

(2) the inclusion of a requirement that a sample of seeds taken from a seed stream during processing for the purposes of an official examination shall be taken by an automatic sampling device approved by the Minister (regulation 2(4)(a)).