

1989 No. 1312

SEEDS

The Fodder Plant Seeds (Amendment) Regulations 1989

Made - - - - - 26th July 1989

Laid before Parliament 11th August 1989

Coming into force - 1st September 1989

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) and (8), 36 and 38(1) of the Plant Varieties and Seeds Act 1964(a) 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 Fodder Plant Seeds (Amendment) Regulations 1989 and shall come into force on 1st September 1989.

Amendment

2.—(1) The Fodder Plant Seeds Regulations 1985(b) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3 (interpretation)—

(a) in paragraph (3) in the definition of “Commercial Seed”—

—under the heading “Grasses”, the entries “Red top”, “Creeping bent” and “Rough-stalked meadowgrass” shall be deleted;

—under the heading “Legumes”, for the entry “White lupin” there shall be substituted the entry “White Lupin (Bitter varieties)”;

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

(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

(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; section 38(1) (as amended by S.I. 1978/272) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.

(b) S.I. 1985/975, amended by S.I. 1987/1092.

(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 or Certified Seed of the Second 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.”;

(b) in paragraph (2)(b) after the words “meeting the requirements of the seeds regulations” there shall be inserted the words “(if any)”;

(c) after paragraph (14) there shall be inserted the following paragraph—

“(15) Seeds which have been produced and packaged in a Member State other than the United Kingdom, notwithstanding that they have not been officially certified as Certified Seed in that Member State, may be imported but shall not be marketed in the United Kingdom until they have been officially certified in the United Kingdom.”.

(4) In regulation 9 (labelling of packages)—

(a) in paragraph (2)(b) after the words “official label” there shall be inserted “or included in the particulars printed or stamped on the package in accordance with paragraph (3A) of this regulation”;

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Notwithstanding paragraph (2) above, a package of field beans or field peas (other than a small package) of Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation may be marketed if—

(a) the appropriate particulars of the matters specified in Part I of Schedule 6 are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified, and

(b) the requirements of Part IV of that Schedule are satisfied.”.

(5) In Schedule 1 (kinds of seeds to which the Regulations apply)—

(a) in paragraph (A) (Grasses)

—for “*Agrostis tenuis* Sibth.” there shall be substituted “*Agrostis capillaris* L.”;

—for the entries under Fodder Grasses there shall be substituted the following entries—

“ <i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J. S. et K. B. Presl	Tall oatgrass
<i>Bromus catharticus</i> Vahl.	Rescue grass
<i>Bromus sitchensis</i> Trin.	Alaska brome-grass
<i>Dactylis glomerata</i> L.	Cocksfoot
<i>Festuca arundinacea</i> Shreber	Tall fescue
<i>Festuca pratensis</i> Hudson	Meadow fescue
<i>Lolium multiflorum</i> Lam.	Italian ryegrass (including Westerwolds ryegrass)

<i>Lolium perenne</i> L.	Perennial ryegrass
<i>Lolium x boucheanum</i> Kunth	Hybrid ryegrass
<i>Phleum bertolonii</i> DC.	Small timothy
<i>Phleum pratense</i> L.	Timothy”;

(b) in paragraph (B) (Legumes) for “*Medicago x varia* Martyn” there shall be substituted “*Medicago x varia* T. Martyn”;

(c) for paragraph (C) there shall be substituted the following paragraph—

“(C) *Cruciferae* (Crucifers)

<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>medullosa</i> Thell. +var. <i>viridis</i> L.	Fodder kale
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder radish”.

(6) In Schedule 4, Part II (conditions relating to the seeds)—

(a) for the second table in paragraph 5 there shall be substituted the following table—

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	Basic seed	Certified Seed, Certified Seed of the First and Second Generations
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Red top	80		90	0.3	2.0	e
Other <i>Agrostis</i> spp	75		90	0.3	2.0	3.0
Tall oatgrass	80		90	0.3	3.0	4.0
Rescue grass	75		97	0.4	1.5	e
Alsaka brome-grass	75		97	0.4	1.5	e
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	e

^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."

(b) for the first table in paragraph 6 there shall be substituted the following table—

*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	
		<i>Avena fatua</i> , <i>A. ludoviciana</i> and <i>A. sterilis</i> (Wild Oat) or <i>Cuscuta</i> spp. (Dodder)			<i>Rumex</i> spp. (Docks and Sorrels) excluding <i>R. acetosella</i> (Sheep's sorrel) and <i>R. maritimus</i> (Golden dock)			<i>Alopecurus myosuroides</i> (Blackgrass)			<i>Agropyron repens</i> (Couch)			<i>Melilotus</i> 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		
		No.	Minimum Standard and Higher Voluntary Standard		No.	Minimum Standard	Higher Voluntary Standard	No.	Minimum Standard	Higher Voluntary Standard	No.	Minimum Standard	Higher Voluntary Standard	No.	Minimum Standard and Higher Voluntary Standard	No.	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	2	5	5	5	0.3	10	5	0.5	10	—	—	20b	1.0	0.5cg	d	
Italian ryegrass	60	0	0a	2	5	5	5	0.3	10	5	0.5	10	—	—	20b	1.0	0.5cg		
Hybrid ryegrass	60	0	0a	2	5	5	5	0.3	10	5	0.5	10	—	—	20b	1.0	0.5cg		
Cocksfoot	30	0	0a	2	5	5	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	2	5	5	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	1.0l	0.5m		h
Red fescue	30	0	0a	2	5	5	5	0.3	10	5	0.5	10	—	—	20b	1.0	0.5g		
Tall fescue	50	0	0a	2	5	5	5	0.3	10	5	0.5	10	—	—	20b	1.0	0.5fg		
Red clover	50	0	0	5	10	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	2	5	5	—	—k	10	—	—k	10	0	0.3k	20	1.0k	0.5		
Lucerne	50	0	0	3	10	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 *Agrostis* spp.

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.

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 Including Commercial Seed.

l 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."

(c) for the second table in paragraph 6 there shall be substituted the following table-

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 sativa, A. ludoviciana, 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 or 2nd Generations		Commercial Seed	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	
Red top	5	0	0†	1	2	1	0.3	1	0.3	—	—	—	20	1.0	t	
Other Agrostis spp.	5	0	0†	1	2	1	0.3	1	0.3	—	—	—	20	1.0	2.0	
Tall oatgrass	80	0	0†	2	5	5	0.3	5	0.5	—	—	—	20	1.0m	2.0m	
Rescue grass	200	0	0†	5	10	5	0.3	5	0.5	—	—	—	20	1.0	t	
Alaska bromegrass	200	0	0†	5	10	5	0.3	5	0.5	—	—	—	20	1.0	t	
Sheep's fescue	30	0	0†	2	5	5	0.3	5	0.5	—	—	—	20	1.0	2.0	
Annual meadowgrass	10	0	0†	1	5	1	0.3	1	0.3	—	—	—	20	1.0q	2.0r	
Rough-stalked meadowgrass	5	0	0†	1	2	1	0.3	1	0.3	—	—	—	20	1.0q	2.0s	
Wood meadowgrass	5	0	0†	1	2	1	0.3	1	0.3	—	—	—	20	1.0q	2.0s	
Birdfoot trefoil	30	0	0†	3	10	—	—	—	—	0‡	0.3	—	20	1.0m	2.0	
Narrow-leaved lupin (Blue lupin)	1,000	0	0	2	5	—	—	—	—	0	0.3	—	20	0.3v	1.3v	w
Other lupins	1,000	0	0	2	5	—	—	—	—	0	0.3	—	20	0.3v	1.3v	w
Trefoil	50	0	0	5	10	—	—	—	—	0‡	0.3	—	20	1.0	2.0	
Alsike clover	20	0	0	3	10	—	—	—	—	0‡	0.3	—	20	1.0	2.0	
Vetches	1,000	0	0	2	5	—	—	—	—	0	0.3	—	20	0.5v	1.5vx	
Swede	100	0	0†	2	5	—	—	—	—	—	—	—	20	0.5	t	y
Kale	100	0	0†	2	5	—	—	—	—	—	—	—	20	0.5	t	y
Fodder radish	300	0	0	3	10	—	—	—	—	—	—	—	20	0.5	t	y
Field pea	1,000	0	0	2	5	—	—	—	—	0	0.3	—	20	0.3	t	
Field bean	1,000	0	0	2	5	—	—	—	—	0	0.3	—	20	0.3	t	

† 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.
 ‡ 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.
 § 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.
 ¶ 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.
 ■ The presence of the seeds of any single *Poa* spp. may exceed the percentage by weight specified.
 ♦ 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.
 ¶ In Certified Seed of meadowgrasses a maximum of 0.8% by weight of seeds of other meadowgrasses shall not be regarded as an impurity.
 § 10% by weight of other *Poa* spp. shall not be regarded as an impurity.
 ¶ 3% by weight of other *Poa* spp. shall not be regarded as an impurity.
 § No Commercial Seed.
 ¶ The presence of a maximum of 1.0% by weight of seeds of red clover shall not be regarded as an impurity.
 ¶ 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.
 ¶ 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 2.5 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 (bitter varieties) the percentage by number of seeds of another colour shall not exceed 4.0.
 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)."

(7) In Schedule 5-

(a) In Part I (sampling of seed lots)-

(i) in paragraph 9 after "sampling device" the words "approved by the Minister" shall be deleted;

(ii) in paragraph 11(i) (Dynamic Spear Sampler) at the end of the table, under the appropriate columns (a) to (g) there shall be added-

"Field pea and field bean 78 15 15 40 18 20 22";

(iii) paragraph 15 (moisture samples) shall be deleted;

(b) in Part II in the table in paragraph b. after the entry for "Tall oatgrass" there shall be inserted the following entries-

"Rescue grass	300	200
Alaska brome-grass	300	200".

(8) In Schedule 6 (labelling) immediately after the heading "SCHEDULE 6" there shall be inserted the following-

"For the purposes of these Regulations the particulars prescribed in this Schedule as to the kind and variety of seed shall be indicated on the label in roman characters. The kind of seed shall be designated by its Latin name, as prescribed in Schedule 1.

(9) In Schedule 6 after Part III there shall be inserted the following Part-

"PART IV

PRINTING OF SPECIFIED MATTERS ON PACKAGES

(whole-bag labelling)

A. Seeds which have not been imported

1. The printing or stamping of the packages shall be under the supervision, and in accordance with the instructions, of the Minister.

2. Each package shall have printed or stamped on it, or be perforated with, an individual serial number allocated by the Minister, which shall appear in the same panel as the particulars of the matters specified in Part I of this Schedule.

3. Arrangements shall be made with the printer for returns to be made to the Minister of the number of packages printed or stamped pursuant to regulation 9(3A) and of the individual serial numbers of such packages.

4. The reference number of the seed lot and the month and year in which the package was officially sealed shall be printed or stamped under the supervision of the Minister at the time of sampling for official examination.

5. Each package of seed marketed in accordance with regulation 5(5) shall be capable of having affixed to it a supplier's label containing a statement pursuant to regulation 9(2)(b).

B. Seeds imported from another Member State

Such requirements of the Member State from which the seeds have been imported as correspond to the requirements specified in this Part for seeds which have not been imported shall have been satisfied."

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th July 1989.



John MacGregor
Minister of Agriculture, Fisheries and Food

25th July 1989

Sanderson of Bowden
Minister of State, Scottish Office

26th July 1989

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

In addition to some minor and drafting amendments, these Regulations, which further amend the Fodder Plant Seeds Regulations 1985, implement article 2.10 of Council Directive 88/380/EEC (OJ No. L187, 16.7.88, p. 31) insofar as it amends article 15 of Council Directive 66/401/EEC (OJ No. L125, 11.7.66, p. 2298/66) (OJ/SE 1965-66, p. 132) (as amended) on the marketing of fodder plant seed to the extent that seeds produced and packaged but not officially certified in another Member State may be imported into the United Kingdom but shall not be marketed in the United Kingdom until they have been officially certified in the United Kingdom (regulation 2(3)).

Article 1 of Commission Directive 86/109/EEC (OJ No. L93, 8.4.86, p. 21) is implemented to the extent that Red top, Creeping bent and Rough-stalked meadowgrass are deleted from the list of seeds to which the "Commercial Seed" category applies (regulation 2(2) and (6)).

Article 1 of Commission Decision 87/309/EEC (OJ No. L155, 16.6.87, p. 26) as amended by Commission Decision 88/493/EEC (OJ No. L261, 21.9.88, p. 27) is implemented to the extent that it permits the indelible printing on packages of field beans or field peas of the information prescribed in Annex IV of Council Directive 66/401/EEC and prescribed in Schedule 6 to these Regulations (regulation 2(4) and (8)).

Article 2 of Commission Directive 87/120/EEC (OJ No. L49, 18.2.87, p. 39) is implemented insofar as it amends article 2 of Council Directive 66/401/EEC by amending the botanical names used to those recognised internationally (regulation 2(5)).

Article 2 of Council Directive 88/380/EEC is implemented insofar as it amends article 2 and Annexes I and II of Council Directive 66/401/EEC to the extent that Rescue grass and Alaska brome-grass are added to the list of seeds to which the Regulations apply (regulation 2(5), (6) and (7)).

Article 1 of Commission Directive 87/480/EEC (OJ No. L273, 26.9.87, p. 43) is implemented insofar as it amends Annex II of Council Directive 66/401/EEC to the extent that it improves the standards to be satisfied in respect of the maximum content of seed of *Rumex* spp (regulation 2(6)).

A larger Dynamic Spear Sampler for field peas and field beans has been approved by the Minister (regulation 2(7)).

Article 2.8 and 2.17-27 of Council Directive 88/380/EEC is implemented insofar as it amends article 14 and Annex IV of Council Directive 66/401/EEC by providing that the particulars relating to kind and variety of seed on official labels must be in roman characters and that the kind of seed must be designated by its Latin name (regulation 2(9)).