
STATUTORY INSTRUMENTS

1993 No. 2009

The Fodder Plant Seeds Regulations 1993

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;

“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, 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 Community;

“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(1);

“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;

“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 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 or Second 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 or Second 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 Generation 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 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;

“Commercial Seed” means seeds of the following kinds—

<i>Grasses</i>	<i>Legumes</i>
Annual meadowgrass	Sainfoin Hungarian vetch

- (a) which are identifiable as to their kind, and
- (b) which satisfy the requirements for Commercial Seed set out 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.