
STATUTORY INSTRUMENTS

1993 No. 2009

The Fodder Plant Seeds Regulations 1993

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 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), (7), (8), (9), (10), (11), and (13) 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 (if any) 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 or specific 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, or Commercial Seed, seeds which fail in some respect to satisfy the requirements for such seeds set out in Schedule 4, or Schedule 5 or to market seed under licence as Commercial Seed where it is so indicated in Schedule 4 Part II,
- (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, 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 seeds of any kind as 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(3), 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 or Certified Seed of the First 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 a 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.

(14) In paragraph (3)(e) above “Certified Seed of the Third Generation” means seeds—

- (a) which have been produced directly from Basic Seed, Certified Seed, Certified Seed of the First or Second Generation, or, with the written authority of the maintainer and the Minister, from Pre-Basic Seed, and
- (b) which are intended for the production of plants.

(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.

(16) Seeds which have been produced from Basic Seed, Certified Seed or Generations prior to Basic Seed which have been officially certified in the United Kingdom and which have undergone field inspections and satisfied the conditions for the appropriate category laid down in Part I of Schedule 4 may be marketed to Member States other than the United Kingdom notwithstanding that they have not been officially certified as Certified Seed. Such seed shall be packed and labelled with official labels and be accompanied by an official document complying with the conditions laid down in Schedule 6 Part IG and in accordance with the provisions laid down in regulations 8 and 9.