

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 244

The Seed Marketing Regulations (Northern Ireland) 2016

PART 3

Marketing seed

Marketing seed

8.—(1) Subject to paragraph (2), seed to which these Regulations apply may only be marketed as seed if it is—

- (a) certified under regulation 10 and 11 as being one of the categories in regulation 5;
- (b) packaged and sealed in accordance with regulation 16; and
- (c) labelled in accordance with regulation 17;

(2) Subject to regulation 27, seed to which this paragraph applies may only be marketed as seed if it is—

- (a) [^{F1}fodder] seed which has been certified in another part of the United Kingdom;
- [^{F2}(b) seed which has been imported from a European Single Market State and—
 - (i) is of a variety listed in the National List or the Common Catalogue except the vegetable seed of the species listed in Council [Directive 2002/55/EC](#) produced in Switzerland;
 - (ii) is officially certified, in compliance with the requirements set out in EU law, including those measures referred to in regulation 3(2)(a) to (e) and (i); and
 - (iii) has been imported into Northern Ireland before the end of the period of two years beginning with the day after the day on which exit day falls.]
- (c) [^{F3}cereal seed, vegetable seed, beet seed and oil and fibre plant seed which] has been imported from [^{F4}a country with equivalence], and is—
 - (i) seed of the species specified in Annex I to the decision and has been produced in the third countries listed in that Annex and officially certified by the authorities listed in that Annex; and
 - (ii) satisfies the conditions laid down in point B of Annex II to that Decision.

(3) No person shall market any seed to which these Regulations apply unless they are licensed to do so in accordance with regulation 20.

Textual Amendments

- F1** Word in [reg. 8\(2\)\(a\)](#) inserted (31.12.2020) by [The Seed Marketing and Fertilisers \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/319\)](#), regs. 1, **3(c)(i)**

- F2** Reg. 8(2)(b) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/211\)](#), regs. 1(1), **43(a)** (as amended by [S.I. 2019/820](#), regs. 1(1), 5(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 8(2)(c) substituted (31.12.2020) by [The Seed Marketing and Fertilisers \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/319\)](#), regs. 1, **3(c)(ii)(aa)**
- F4** Words in reg. 8(2)(c) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/211\)](#), regs. 1(1), **43(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Exceptions

- 9.**—(1) The requirement for certification does not apply in relation to breeder's seed.
- (2) Schedule 4 makes provision for the marketing of seed not fully complying with regulation 8.

Overriding requirements: the building blocks necessary for certification

- 10.** To be certified under these Regulations as one of the categories in regulation 5 seed must—
- (a) be a ^{F5}variety—
 - (i) entered in the ^{F6}NI Variety List]; or
 - (ii) entered in the Common catalogue at any time before the end of the period of two years beginning with the day after the day on which exit day falls;]
 - (b) be grown from a seed eligible to produce that category in accordance with Schedule 2;
 - (c) come from a crop inspected under these Regulations and certified as complying with the requirements of Schedule 2; and
 - (d) be tested in accordance with these Regulations.

Textual Amendments

- F5** Words in [reg. 10\(a\)](#) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/211\)](#), regs. 1(1), **44**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in [reg. 10\(a\)](#) substituted (31.12.2020) by [The Seeds \(Variety Lists\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/302\)](#), regs. 1, **26(1)(b)**

Detailed requirements for certification

11.—(1) In order to be certified a sample of the seed from which the crop is going to be produced must be entered with the Department in sufficient time for the Department to grow a control plot.

(2) The Department may accept the entry of a sample of the seed after this time, but in this case the crop grown to produce the seed must be inspected by an official crop inspector in accordance with regulation 12.

(3) The crop used to produce the seed must be inspected by a crop inspector in accordance with the provisions relating to that crop in Schedule 2, and the crop inspector must certify that—

- (a) the crop meets the standard for that crop specified in Schedule 2; or
- (b) the crop meets a lower standard but still meets one of the standards in Schedule 2,

and lodge a report to that effect with the Department.

(4) The crop inspector may indicate that remedial action or further inspection is necessary before the crop is certified as meeting the required standard.

(5) Once the crop has been harvested and processed, a sample of the seed must be drawn by a licensed seed sampler (using current international sampling methods in so far as they exist) in accordance with the provisions relating to that crop in Schedule 2 (for the avoidance of doubt the seed lot sizes and sample weights are specified in each of the Directives in the Schedule dealing with the seed).

(6) The seed must be tested in a seed testing station (either licensed or operated by the Department), which must test the seed (using current international sampling and testing methods in so far as they exist) to ensure that the certification standards in Schedule 2 are complied with, and issue a seed test report stating the results and lodge the report with the Department.

(7) An application for certification of seed for which a seed test report has been lodged under paragraph (6), must be made to the Department—

- (a) within 30 days of the seed test report being lodged or within such time as the Department may otherwise allow; and
- (b) be accompanied by such information and documents as the Department may require.

Crop inspections

12. A crop inspection for certification must be carried out by a licensed crop inspector; except for the inspection of—

- (a) a crop intended for the production of pre-basic or basic seed; or
- (b) a crop producing seed when the entry of seed under regulation 11 was too late to allow the Department to grow a control plot,

when the inspection must be carried out by an official crop inspector appointed by the Department for the purpose of such an inspection.

Standard of seed at the time of marketing

13. At the time of marketing the seed must as a minimum comply with the standards in Schedule 2 relating to that type of seed.

Re-grading of seed at the time of marketing

14. For the avoidance of doubt, if a crop or seed has been certified as belonging to one category, but complies with the minimum requirements of another category for that seed, it may be re-graded as any category for which it satisfies the requirements.

Control plots and tests

15.—(1) The Department must carry out any necessary tests on the entered seed, and in particular must grow the seed in a control plot.

(2) If the tests or the control plot meets the requirements for varietal identity and varietal purity no further action is taken.

(3) Otherwise the Department must obtain more information from crops grown from that seed and, if the Department decides that the crop is not satisfactory, notify the applicant that the crop may not be certified, or must be downgraded to a lower category.

Packaging and sealing

16.—(1) All seed, other than loose sales (for which see Part 5 of Schedule 3), must be supplied in a properly sealed package by a person licensed to do so under regulation 20.

(2) The packaged seed must be in homogenous lots.

(3) A package must be sealed by or under the supervision of a licensed seed sampler.

(4) It must either have a non-re-usable sealing system or be sealed in such a manner that opening the package—

(a) damages the sealing system; or

(b) leaves evidence of tampering on either the label or the package.

(5) If a package is opened other than by the final consumer it must be re-labelled and re-sealed by or under the supervision of a licensed seed sampler, and the fact of resealing, the most recent date of resealing and the authority responsible for it must be stated on the label.

(6) This regulation does not apply in relation to the marketing of small packages of seed as defined in Schedule 3.

Labelling

17.—(1) All seed must be labelled in accordance with Schedule 3 by a person licensed to do so under regulation 20.

(2) Subject to the provisions of the Act and of these Regulations, no person may reproduce, remove, alter, deface, conceal or misuse in any way any label produced for the purpose of these Regulations.

Mixtures of seed

18. A mixture of seed may only be marketed if the mixture is permitted under the following table.

Permitted mixtures

<i>Column header</i>	<i>Beet</i>	<i>Cereals</i>	<i>Fodder</i>	<i>Oil and fibre</i>	<i>Vegetable</i>	<i>Seed outside the scope of these Regulations</i>
Beet	No	No	No	No	No	No
Cereals	No	Yes ¹	Yes	No	No	No
Fodder	No	Yes	Yes	Yes	Yes	Yes
Oil and fibre	No	No	Yes	No	No	No
Vegetable	No	No	Yes	No	Yes ²	No

¹ A mixture of varieties of one species of cereal seed is permitted only if it is effective against the propagation of a harmful organism. All the seed must comply with these Regulations before mixing.

² A mixture of different varieties of standard seed of the same species must be marketed in a package containing not more than 5 kilograms of seed (in the case of legumes), 500 grams of seed (in the case of asparagus, beetroot, carrot, chard or spinach beet, gourd, marrow, onion, radish, spinach or turnip) or 100 grams of seed (in the case of any other species).

Records

19.—(1) any person who—

- (a) markets seed;
- (b) packs, seals, labels, re-packs, re-seals or re-labels seed for marketing;
- (c) prepares mixtures of seed for marketing; or
- (d) cleans, treats or in any other way processes seed intended for marketing,

must make sufficient records (either written or electronic) to create an audit trail so that the identity and provenance of any seed marketed or otherwise dealt with in the course of the operation can be established.

(2) Records must be kept for at least 3 years and produced on demand to an officer of the Department (in the case of electronic records a printout must be provided).

Changes to legislation:

There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, PART 3.