

## SCHEDULE 2

### Certification requirements

## PART 4

### Oil and fibre

#### Scope of Part 4

31. This Part regulates the types of oil and fibre plants in Schedule 1.

#### Permitted types of oil and fibre seed

32. Oil and fibre seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation;
- (f) certified seed, third generation; or
- (g) commercial seed.

#### Meaning of “pre-basic seed”

33.—(1) “Pre-basic seed” is seed of a generation prior to basic seed—

- (a) that has been produced by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety, and
- (b) intended to be used for the production of more pre-basic seed, basic seed, or with the breeder's written authority—
  - (i) in the case of black mustard, brown mustard, dioecious hemp, sunflower, swede rape, turnip rape or white mustard, CS seed;
  - (ii) in the case of monoecious hemp or soya bean, C1 or C2 seed;
  - (iii) in the case of flax or linseed, C1, C2 or C3 seed.

(2) But in relation to a component of a hybrid variety, “pre-basic seed” means seed of a generation prior to basic seed that is intended to be used for the production of—

- (a) more pre-basic seed;
- (b) basic seed; or
- (c) with the breeder's written authority, CS seed.

#### Meaning of “basic seed” for non-hybrid varieties

34. In the case of a non-hybrid variety, basic seed is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of—

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- (i) certified seed,
- (ii) certified seed, first generation,
- (iii) certified seed, second generation; or
- (iv) certified seed, third generation.

#### **Meaning of “basic seed” for inbred lines**

**35.** In the case of an inbred line, basic seed is seed of an inbred line of a hybrid that satisfies the conditions for basic seed.

#### **Meaning of “basic seed” for simple hybrids**

**36.** In the case of a simple hybrid, basic seed is seed intended for the production of hybrids.

#### **Meaning of “certified seed”**

**37.** Certified seed is seed of black, brown and white mustard, dioecious hemp, sunflower, swede rape or turnip rape—

- (a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;
- (b) intended for purposes other than the production of seed of oil or fibre plants.

#### **Meaning of “certified seed, first generation”**

**38.** Certified seed, first generation is seed of monoecious hemp, flax, linseed or soya—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (b) intended either for the production of—
  - (i) certified seed, second generation;
  - (ii) where appropriate, certified seed, third generation; or
  - (iii) for purposes other than the production of seed of oil or fibre plants.

#### **Meaning of “certified seed, second generation”**

**39.—(1)** Certified seed, second generation is seed of flax, linseed, soya or monoecious hemp.

**(2)** In the case of flax, linseed, soya, it is seed—

- (a) produced directly from basic seed, from certified seed of the first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for—
  - (i) purposes other than the production of seed or,
  - (ii) where appropriate, the production of certified seed, third generation seed.

**(3)** In the case of monoecious hemp it is seed—

- (a) produced directly from certified seed of the first generation established and officially controlled with a view to the production of certified seed of the second generation; and
- (b) intended for the production of hemp to be harvested in flower.

### Meaning of “certified seed, third generation”

40. Certified seed, third generation is seed from flax or linseed—
- (a) of direct descent from basic seed, from certified seed of the first or second generation or, if the breeder so requests, from seed of a generation prior to basic seed; and
  - (b) intended for purposes other than the production of seed.

### Meaning of “commercial seed”

41. Commercial seed (black mustard seed only) is seed that is identifiable as belonging to a species.

### Crop and seed requirements

42.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(5)(A) of, and Annex I to, Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants<sup>M1</sup>, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Annex III to that Directive and must satisfy the conditions in Annex II to that Directive.

(3) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

#### Marginal Citations

**M1** OJ No L 193, 20.7.2002, p.74, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p.40).

### Requirements for a varietal association

43.—(1) Seed marketed as a varietal association must comply with this paragraph.

(2) The varietal association must be an association of certified CS seed of a specified pollinator-dependant hybrid variety with certified CS seed of one or more specified pollinator varieties both of which have been accepted on to the United Kingdom National List or the Common Catalogue.

(3) The seed of the female and male components of a varietal association must have been dressed using seed dressings of different colours.

(4) The seed must be mechanically combined in the proportions jointly determined by the persons responsible for the maintenance of these components.

(5) The proportions must be notified to the Welsh Ministers by the person responsible for the maintenance of the pollinator-dependent hybrid and pollinators within the varietal association.

(6) In this paragraph—

- (a) “pollinator-dependent hybrid” (“*hybrid peillydd-ddibynnol*”) means the male-sterile component within the varietal association (female component);
- (b) “pollinator” (“*peillydd*”) means a component shedding pollen within a varietal association.

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