

1994 No. 255

SEEDS

Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994

Made 30th June 1994

Coming into operation 22nd August 1994

The Department of Agriculture in exercise of the powers conferred on it by sections 1(1) and (2A)(a), 2(b) and 4(1) to (4) of the Seeds Act (Northern Ireland) 1965(c) and of every other power enabling it in that behalf, after consultation with representatives of such interests as appear to it to be concerned, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1994 and shall come into operation on 22nd August 1994.

Revocation

2. The Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1976(d) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“the Act” means the Seeds Act (Northern Ireland) 1965;

“Common Catalogue” means the Common Catalogue of varieties of kinds of agricultural plants published in the Official Journal of the European Communities(e);

“the Department” means the Department of Agriculture for Northern Ireland;

“import” means to bring into Northern Ireland from any place outside Northern Ireland;

“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 National List or the Common Catalogue;

(a) As inserted by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 3

(b) As amended by 1970 c. 20 (N.I.) section 10(2)

(c) 1965 c. 22 (N.I.)

(d) S.R. 1976 No. 298

(e) O.J. C65A, 14.3.92 Supplements O.J. C29A, 2.2.93 and O.J. C82A, 23.3.93

“marketing” includes the offer for sale, exposure for sale, 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 or for industrial use;

“member State” means a member State of the European Communities;

“National List” means a list of varieties of kinds of oleaginous and fibrous plants for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 1982(a);

“official certificate” means a certificate issued by the Department 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) in relation to a crop or seeds produced in Northern Ireland, an examination carried out by or on behalf of the Department, subject to an application for such examination having been made to the Department in such form and manner and at such time as it may require and to the payment of any fees payable under seeds regulations;
- (b) in relation to a crop or seeds produced in Great Britain, an examination carried out by or on behalf of the Minister of Agriculture Fisheries and Food, the Secretary of State for Scotland, or the Secretary of State for Wales; or
- (c) in relation to seeds produced elsewhere than in the United Kingdom, an examination approved by the Department;

“official label” means a label issued or authorised by the Department, 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 the appropriate maximum weight specified in Part II of Schedule 5 in relation to those seeds, bearing a unique reference number, in which the seeds shall have been mixed or blended so, as far as is practicable, to show no evidence of heterogeneity;

“small package” means a package containing a net weight of not more than 15 kilograms of Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed.

(2) In these Regulations, in relation to categories of seeds—

“Breeder’s Seed” means seeds of a generation earlier than that of Basic Seed which—

- (a) have been produced by or under the responsibility of the maintainer carrying out in the United Kingdom the duties of a maintainer for the time being set out in regulation 19 of the Seeds (National Lists of Varieties) Regulations 1982;
- (b) are intended for the production of Pre-basic Seed or, with the written authority of the Department, of Basic Seed; and
- (c) 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 which—

- (a) have been produced directly from Breeders Seed or Pre-basic Seed by or under the responsibility of the maintainer;
- (b) are intended for the production of Pre-basic Seed, Basic Seed, or with the written authority of the maintainer and the Department, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or, as regards flax, Certified Seed of the Third Generation; and
- (c) 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—

- (a) seeds, other than of hybrids of sunflower which—
 - (i) have been produced by or under the responsibility of the maintainer from Pre-basic Seed or, with the written authority of the Department, from Breeder’s Seed;
 - (ii) are intended for the production of Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or, as regards flax, Certified Seed of the Third Generation; and
 - (iii) 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;
- (b) seeds, in the case of inbred lines of sunflower intended for the production of hybrids, which—
 - (i) have been produced from Breeder’s Seed or Pre-basic Seed; and
 - (ii) 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;
- (c) seeds, in the case of single cross hybrids of sunflower, which—

- (i) have been produced from Breeder's Seed or Pre-basic Seed; and are intended for the production of double-cross hybrids or of three-way cross hybrids; and
- (ii) 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 of turnip rape, swede rape, brown mustard, black mustard, white mustard or sunflower which—

- (a) have been produced directly from Basic Seed or with the written authority of the maintainer and the Department, from Pre-basic Seed;
- (b) are intended mainly for the production of plants or parts of plants for human or animal consumption; and
- (c) 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 soya bean, flax or linseed which—

- (a) have been produced directly from Basic Seed or with the written authority of the maintainer and the Department, from Pre-basic Seed;
- (b) are intended mainly for the production of plants, or parts of plants for human or animal consumption or for industrial use or for the production of Certified Seed of the Second Generation or, as regards flax, Certified Seed of the Third Generation; and
- (c) 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 soya bean, flax or linseed which—

- (a) have been produced directly from Basic Seed or Certified Seed of the First Generation or with the written authority of the maintainer and the Department, from Pre-basic Seed;
- (b) are intended mainly for the production of plants or parts of plants for human or animal consumption or for industrial use or, as regards flax, for the production of Certified Seed of the Third Generation; and
- (c) 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;

“Certified Seed of the Third Generation” means seeds of flax which—

- (a) have been produced directly from Basic Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation or, with the written authority of the maintainer and the Department, from Pre-basic Seed;

- (b) are intended to be used mainly for the production of plants or parts of plants for human or animal consumption or for industrial use; and
- (c) satisfy the requirements for Certified Seed of the Third 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 black mustard which—

- (a) are identifiable as to their kind; and
- (b) satisfy the requirements for Commercial Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2.

(3) In these Regulations, in relation to varieties, inbred lines and hybrids of sunflower—

“double cross hybrid” means the first generation of a cross between two single cross hybrids, defined by the maintainer;

“inbred line” means a sufficiently uniform and stable line, obtained either by artificial self-fertilisation with selection over several successive generations or by equivalent operations;

“single cross hybrid” means the first generation of a cross between two inbred lines, defined by the maintainer;

“three way cross hybrid” means the first generation of a cross between an inbred line and a single cross hybrid, defined by the maintainer.

(4) For the purposes of these Regulations seeds marketed in accordance with regulation 5(1)(b), (ii), (iii) or (iv) shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (2).

Seeds to which the Regulations apply

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to oil and fibre plant seeds of the kinds set out in Schedule 1 being seeds intended to be used only for the production of agricultural or horticultural crops other than for ornamental purposes.

(2) These Regulations shall not apply to—

- (a) seeds which are marketed for delivery elsewhere than in a member State;
- (b) seeds used or to be used for research or experiment;
- (c) seeds used or to be used in the course of a process of selection; and
- (d) seeds which are marketed with a view to processing, treatment or cleaning, where the identity of the seeds is stated by the person by whom they are marketed.

(3) Where a person (“the first person”) makes an arrangement under which some other person (“the second person”) uses seeds which are under the control of the first person for the purpose of—

- (a) increasing the first person’s stock of seeds for sowing; or
- (b) carrying out tests or trials thereon,

and under that arrangement the whole of the material produced from the seeds (whether directly or indirectly) and any unused seeds become or remain the property of the first person, these Regulations shall not apply to the marketing of the seeds by the first person to the second person as part of that arrangement or to the marketing by the second person to the first person of seeds produced (whether directly or indirectly) from those seeds.

Marketing of seeds

5.—(1) Subject to the provisions of this regulation, a person shall not 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, Certified Seed of the Second Generation, or Certified Seed of the Third Generation; or
 - (ii) seeds which have been produced, packaged and labelled in accordance with the Oil and Fibre Plant Seeds Regulations 1993(a); or
 - (iii) 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), (7) and (9) which—
 - in the case of a small 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
 - (iv) 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 Department under the authority of this paragraph, which said licence shall have effect during the period specified in it unless the Department earlier revokes it.

(2) Paragraph (1) shall not prevent the marketing of kinds of varieties of oil and fibre plant seeds included in mixtures of seeds permitted by the Fodder Plant Seeds Regulations (Northern Ireland) 1994(b), provided that each constituent of such mixtures, to which these Regulations apply, shall consist of seeds meeting the requirements of paragraph (1).

(3) The Department may, by a general licence which may impose conditions and which shall have effect during the period specified in it unless the Department earlier revokes it—

(a) S.I. 1993/2007 as amended by S.I. 1994/1423

(b) S.R. 1994/252

- (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, Certified Seed of the Third Generation or Commercial Seed, seeds which fail in some respect to comply with the requirements set out in Schedule 4 or Part II of Schedule 5 in relation to such seeds;
- (b) authorise any person to market a package of seeds which fails in some respect to comply with the requirements set out in Schedule 6 in relation to the labelling of such packages;
- (c) authorise any person to market seeds which, notwithstanding the requirements of the Seeds (National Lists of Varieties) Regulations 1982 for the time being in force, 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,

provided that 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 a general licence has not been granted by the Department under the authority of paragraph (1)(b)(iv).

(5) Notwithstanding the requirement in Part II of Schedule 4 that Basic Seed shall attain at least the minimum standard of germination specified in that 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 that 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) Where—

- (a) 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) and regulations 8 and 9, be marketed;
- (b) seeds are marketed pursuant to this paragraph the seller shall, upon or before delivery, provide the purchaser with a written statement that the seeds are marketed before the completion of the official examination in respect of germination together with the result of the preliminary test of germination;
- (c) the official examination in respect of germination shows that the seeds have failed to attain the minimum germination standard required by

paragraph 2 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) 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 has failed to attain the minimum standards set out for such seed in Part II of Schedule 4.

(8) A person who sells any seeds in accordance with paragraph (6) shall make a record of—

(a) the date of delivery to the purchaser;

(b) the reference number of the seed lot delivered;

(c) the name and address of the purchaser;

(d) the date on which the preliminary test of germination was carried out and of the result of that test; and

(e) if appropriate, the date on which the purchaser was informed of the result of the completed official examination in respect of germination,

and shall keep that record available for inspection by the Department for a period of twelve months following the date of the last delivery to the purchaser.

(9) Paragraphs (5) and (6) 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, Certified Seed of the First Generation or Certified Seed of the Second 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 an 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) Seeds which have been produced and packaged in a member State other than the United Kingdom which do not fall into any of the categories set out in regulation 3(2), shall not be marketed in Northern Ireland until they have been officially certified in accordance with these Regulations or the Oil and Fibre Plant Seeds Regulations 1993.

(12) Seeds which have been produced from Basic Seed, Certified Seed of the First Generation or Generations prior to Basic Seed and which have been produced from a crop which has been found on official examination to satisfy the conditions for the appropriate category set out in Part I of Schedule 4 may be marketed to Great Britain or to a member State other than the United Kingdom notwithstanding that they have not been officially certified. A package of such seed shall be sealed in accordance with regulation 8 and labelled in accordance with regulation 9 with an official label and be accompanied by a document giving the information set out in Section E of Part I of Schedule 6.

Official certificates

6.—(1) An application for the issue of an official certificate in respect of a seed lot of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed—

- (a) shall be made in writing to the Department in such form and manner, and shall be accompanied by such documents, as the Department may require; and
- (b) shall be made not later than the thirty-first day of December of the year following the year of harvest of the crop from which the seed lot is obtained or within such other time as the Department may allow.

(2) Where an application for the issue of an official certificate is made to the Department in accordance with paragraph (1) the Department shall deal with the application in accordance with the provisions of Schedule 2.

(3) The Department may withdraw an official certificate which has been issued by it in respect of either the whole of a seed lot or any part of a seed lot and any seeds from which an official certificate has been so withdrawn shall be deemed not to have been officially certified if—

- (a) the results of an official examination of the seeds in respect of which the official certificate has been issued are deemed null and void in accordance with regulation 7(2); or
- (b) information has been received by it which if known to it before the official certificate was issued, would have resulted in the application for the issue of the official certificate being refused on the grounds that the seeds did not meet the requirements of seeds regulations.

(4) Where, in accordance with paragraph (3), seeds are deemed not to have been officially certified the seller of the seeds shall, as soon as practicable and in any case not later than 7 days after being informed of it, notify the purchaser, in writing, that the seeds have not been officially certified.

Sampling

7.—(1) A sample of seeds taken for the purpose of an official examination shall be taken, subject to the payment of any fees payable under seeds regulations, by a person authorised by the Department in that behalf and in accordance with the provisions of Schedule 5.

(2) Where a sample of seeds taken for the purpose of an official examination is found not to have been taken in accordance with the requirements of seeds regulations no, or no further, official examination shall be made of that sample, and any findings or results obtained in the course of any official examination of the sample of seeds already made shall be deemed null and void.

Sealing of packages

8.—(1) A person shall not market in accordance with regulation 5(1)(b)(i) or (2), a package (other than a small package) of Breeder's Seed,

Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed unless it has been, not later than at the time of sampling, sealed by or under the supervision of a person authorised by the Department in that behalf in such a manner that when the package is opened the seal will be broken and cannot be re-used.

(2) Where a package of seeds which has been sealed in accordance with paragraph (1) or to which the provisions of regulation 5(1)(b)(ii), (iii) or (iv) apply has been opened it shall not be re-sealed or further re-sealed except by or under the supervision of a person authorised by the Department in that behalf.

(3) A person shall not market a small package of seeds in accordance with regulation 5(1)(b)(i) or (2) unless it has been sealed in such a manner that when the package is opened the seal is broken and cannot be re-used.

Labelling of packages

9.—(1) Subject to paragraph (8) a person shall not market any seeds in accordance with regulation 5(1)(a) or (b)(i) except in a package which, not later than at the time of sealing, is labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2) A package (other than a small package) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or of Commercial Seed shall have affixed on the outside an official label containing, as appropriate to the seeds, the particulars specified in Part I of Schedule 6 and being of at least the size and of the colour also specified in that Part, which shall be either an adhesive label or a label secured to the package by a seal approved by the Department and shall be affixed (in either case) by or under the supervision of a person authorised by the Department in that behalf.

(3) Where in accordance with regulation 5(5) a person markets any Pre-basic Seed or Basic Seed which has attained a lower percentage of germination than that specified in Schedule 4 that fact shall be stated on the official label and a supplier's label affixed to the outside of the package shall contain—

- (a) a statement of the percentage of germination of the seeds;
- (b) the name and address of the person marketing those seeds; and
- (c) the reference number of the seed lot.

(4) A package (other than a small package) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed shall contain an official inner label which shall be of the same colour as, and in addition to, the official label affixed to the outside of the package in accordance with paragraph (2) and such official inner label shall contain particulars of—

- (a) in the case of seeds other than Commercial Seed the items numbered 4, 5 and 6 in Section C of Part I of Schedule 6; and

(b) in the case of Commercial Seed, the items numbered 4, 5 and 6 in Section D of Part I of Schedule 6,

except that if such particulars are printed indelibly on the outside of the package or if the official label is an adhesive or a tear-resistant label the official inner label referred to in this paragraph shall not be required.

(5) A small package of seeds shall have affixed on the outside a label containing, as appropriate to the seeds, the particulars specified in Part II of Schedule 6 and being of the colour also specified in that Part; except that where such particulars are printed indelibly on the outside of the package, the said label shall not be required.

(6) Where a package of seeds has been re-sealed in accordance with regulation 8(2) that fact shall be stated on the official label, together with the month and year of re-sealing and the name of the authority responsible for the re-sealing.

(7) Where any seeds have been subjected to any chemical treatment that fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either—

(a) on a separate supplier's label; or

(b) on the label referred to in paragraph (2), (3) or (5) or, where such a label is not required, with the particulars otherwise given in accordance with those paragraphs,

and also, except where the label referred to in paragraph (2), (3) or (5) is not required or where the information prescribed by this paragraph is given on an adhesive or tear-resistant label, either on the outside of the package or in a statement enclosed in the package.

(8) A person may sell any seeds otherwise than in a package which is labelled, inscribed or otherwise dealt with in accordance with this regulation where the seeds are—

(a) sold by way of retail sale in a quantity not exceeding 5 kilograms; and

(b) taken, in the presence of the purchaser, from a container on which there is clearly and visibly marked or near which there is clearly and visibly displayed a statement containing the particulars specified in Part III of Schedule 6.

(9) The particulars and information given in accordance with this regulation shall be given in one of the official languages of the European Communities.

(10) Subject to the provisions of the Act and of these Regulations a person shall not, in the course of the marketing or the preparation for the marketing of any seeds by himself or by any other person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label affixed to, contained in or marked on any package of seeds or which is to be so affixed, contained or marked as the case may be.

Civil liabilities of sellers of seeds

10.—(1) The particulars given to a purchaser by the seller of seeds to which these Regulations apply, whether given in pursuance of these

Regulations expressly or by implication arising from the description under which the seeds are sold, shall constitute a statutory warranty for the purpose of section 4 of the Act in so far as they relate to their category, percentage of germination, percentage analytical purity, content of seeds of other plant species and as appropriate the varietal identity and varietal purity, or, in the case of a mixture of seeds permitted by regulation 5(2), of each of its constituents to which these Regulations apply.

(2) Section 4(2) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage of germination, the percentage analytical purity, or the content of seeds of other plant species and in respect of such matters the limits of variation shall be those set out in the appropriate Part of Schedule 7.

(3) Section 4(3) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage of germination, the percentage analytical purity or the content of seeds of other plant species.

(4) A purchaser who intends to obtain a test of seeds for the purposes of section 4(3) of the Act shall, not more than 10 days after delivery to him of the seeds, give to the seller written notice of his intention and thereupon the seller may indicate a day (not being more than 21 days after the delivery of the seeds to the purchaser) and a reasonable time on that day at which a sample of the seeds may be taken in the presence of himself or of his representative and the purchaser shall afford to the seller reasonable facilities for that purpose.

(5) On the day and at the time appointed by the seller in accordance with paragraph (4) or, where the seller has failed to appoint such a day and time, on a day not more than 28 days after delivery of the seeds to the purchaser, the purchaser or his representative may, and if the seller or his representative is present shall, take a sample of the seeds and a sample taken pursuant to this paragraph and divided by the purchaser or his representative into two parts in accordance with the provisions of Part I of Schedule 5, each part being of at least the appropriate minimum weight specified in Part II of that Schedule, of which one part shall be sent to the Chief Officer of an official seed testing station for the purpose of being tested and the other part delivered or tendered to the seller or his representative or, if he or his representative was not present when the sample was taken, sent to the seller by post.

Sealed with the Official Seal of the Department of Agriculture on 30th
June 1994.

(L.S.)

I. C. Henderson

Assistant Secretary

KINDS OF SEEDS TO WHICH THE REGULATIONS APPLY

<i>Latin Name</i>	<i>Common Name</i>
<i>Brassica juncea</i> (L.) Czernj. et Cosson	Brown mustard
<i>Brassica napus</i> L. (partim)	Swede rape (including fodder rape and oilseed rape)
<i>Brassica nigra</i> (L.) Koch	Black mustard
<i>Brassica rapa</i> (L.) var <i>silvestris</i> (Lam) Briggs	Turnip rape
<i>Glycine max</i> (L.) Merr.	Soya bean
<i>Helianthus annuus</i> L.	Sunflower
<i>Linum usitatissimum</i> L.	Flax, Linseed
<i>Sinapis alba</i> L.	White mustard

SCHEDULE 2

Regulations 3(1) and (2),
5(3), (5) and (10) and 6(2)**OFFICIAL CERTIFICATES**

1. On receipt of an application made in accordance with regulation 6(1) for the issue of an official certificate in respect of a seed lot of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed, the Department shall, subject to paragraphs 2 and 3 and to the payment of any fees payable under seeds regulations, issue in respect of such a seed lot an official certificate containing the particulars specified in Schedule 3.

2. The Department shall not issue an official certificate in respect of a seed lot unless—

(a) an application has been made to the Department, in such form and manner and at such time as it may require, for registration by it of—

(i) the seed lot or seed lots to be used for the production of the crop or crops from which the seed lot is to be obtained; and

(ii) the crop or crops from which the seed lot is to be obtained;

(b) an official examination of the crop or crops from which the seed lot was obtained has shown that the crop or crops attained the standards appropriate to the category set out in Part I of Schedule 4; and

(c) an official examination of a sample of the seed lot has shown that the seeds attained one of the standards appropriate to the category set out in Part II of Schedule 4;

except that—

(i) paragraphs 2(a) and (b) shall not apply in relation to an application for the issue of an official certificate in respect of Commercial Seed;

(ii) paragraphs 2(a), (b) and (c) shall not apply in relation to an application for the issue of an official certificate in respect of Breeder's Seed, where the seed has been officially sampled for the purposes of an official examination of a plot in accordance with paragraph 1 of Part I of Schedule 4;

(iii) paragraph 2(c), in so far as it relates to standards of germination set out in Part II of Schedule 4, shall not apply in relation to an application for the issue of an official certificate in respect of seeds which are marketed in accordance with and subject to the requirements of regulation 5(5); and

(iv) the Department shall issue an official certificate in respect of a seed lot marketed in accordance with, and subject to any conditions imposed by, a general licence granted by the Department under regulation 5(3).

3. The Department may refuse to issue an official certificate in respect of a seed lot if it appears to it that—

(a) a sample of the seed lot taken for the purpose of an official examination in order to ascertain whether such seed lot attains the appropriate standard set out in Part II of Schedule 4 has not been taken in accordance with the provisions of Schedule 5;

(b) an examination of a plot sown with a sample of the seed lot sown in the field shows that the crop does not attain the appropriate standard set out in Part I of Schedule 4;

(c) there has been any breach of seeds regulations in relation to the seed lot in respect of which application for an official certificate has been made.

PARTICULARS TO BE SPECIFIED IN AN OFFICIAL CERTIFICATE

- (i) Name and address of Certifying Authority
- (ii) Applicant's name, address and registered number
- (iii) Seed lot reference number
- (iv) Kind/Variety/Category
- (v) Net weight of seed lot and number of containers
- (vi) Seed treatment (if applicable).

**REQUIREMENTS FOR BASIC SEED, CERTIFIED SEED,
CERTIFIED SEED OF THE FIRST GENERATION, CERTIFIED
SEED OF THE SECOND GENERATION, CERTIFIED SEED OF THE
THIRD GENERATION AND COMMERCIAL SEED**

PART I

**CONDITIONS RELATING TO CROPS FROM WHICH SEEDS OTHER THAN COMMERCIAL
SEED ARE OBTAINED**

1. So far as the Department can ascertain them, by the use of methods which shall include official examination of the crop and which may include examination of a plot sown with a sample from the seed lot sown in the field and the consideration of any other relevant information, the requirements for the crop set out in paragraphs 2 to 8 shall be met.

Varietal identity and varietal purity

2. The characteristics for the determination of varietal identity and varietal purity shall be those recognised as those of the variety for the purposes of the National List or the Common Catalogue.

Official examination of crops

3. An official examination of a crop shall be carried out in such a manner and at such times (when the cultural condition of the field and the stage of development and condition of the crop are such as to permit suitable checks of varietal identity, varietal purity and species purity to be made) as the Department may reasonably require.

4. An official examination of a crop shall not proceed unless the crop's state of health is satisfactory so far as seed-borne disease and organisms affecting the seeds are concerned.

Previous cropping

5. The crop may be grown only on land which has not previously been cropped in a manner which might adversely affect the nature or quality of the seeds to be produced and which complies with the Department's requirements in that respect.

Isolation distances

6. There shall be either a physical barrier or at least two metres of fallow between the seed crop and any crop likely to cause contamination in the seed.

7.—(1) Subject to sub-paragraph (2), for turnip rape, swede rape, brown mustard, black mustard and white mustard the minimum distance from neighbouring crops or plants or other species or of other varieties of the same species liable to cross-pollinate with the crop shall be for—

(a) crops intended to produce Basic Seed	400 metres
(b) crops intended to produce Certified Seed	200 metres
(c) crops intended to produce—	
(i) Basic Seed of hybrids of sunflower	1500 metres
(ii) Basic Seed of sunflower other than hybrids	750 metres
(iii) Certified Seed of sunflower	500 metres

(2) With the approval of the Department the distances referred to in sub-paragraph (1) may be reduced if there is adequate protection against undesirable pollen.

Standards for varietal purity

8. The crop shall have sufficient varietal identity and varietal purity. In particular—

- (a) for crops of swede rape (other than varieties to be used solely for fodder purposes), turnip rape (other than varieties to be used solely for fodder purposes), soya bean, flax, linseed, sunflower (other than hybrid varieties including their components) and white mustard the minimum varietal purity standards shall be:—

Minimum varietal purity (percentage by number)	Basic Seed	Certified Seed or Certified Seed of the First Generation	Certified Seed of the Second Generation or Certified Seed of the Third Generation
Swede rape and Turnip rape*	99.9	99.7	—
Soya bean	99.5	99.0	99.0
Flax and Linseed	99.7	98.0	97.5
Sunflower and White mustard	99.7	99.0	—

* For swede rape and turnip rape of varieties to be used solely for fodder purposes the standards shall be 99.7 per cent for Basic Seed and 99 per cent for Certified Seed.

- (b) In crops of brown mustard and black mustard the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed—
- (i) one plant in 30 sq m in a crop intended for the production of Basic Seed; and
 - (ii) one plant in 10 sq m in a crop intended for the production of Certified Seed.
- (c) A crop of an inbred line of sunflower shall have sufficient identity and purity as regards its characteristics. For the production of seed of hybrid varieties of sunflower the characteristics of sufficient identity and purity shall extend to its components, including male sterility or fertility restoration.
- (d) In the case of hybrid of sunflower—
- (i) the percentage by number of plants which are recognisable as obviously not being true to the inbred line or to the component shall not exceed—

- (aa) for the production of Basic Seed
 - (A) inbred lines, 0.2
 - (B) simple hybrids—
 - male parents, plants which have shed pollen while 2% or more of the female plants have receptive flowers, 0.2
 - female parent, 0.5
- (bb) for the production of Certified Seed—
 - male component, plants which have shed pollen while 5% or more of the female plants have receptive flowers, 0.5
 - female component, 1.0
- (ii) for the production of seed hybrid varieties the following standards shall be satisfied—
 - (aa) sufficient pollen shall be shed by the plants of the male component while the plants of the female component are in flower;
 - (bb) where the female component plants have receptive stigmas, the percentage by number of female component plants which have shed pollen or are shedding pollen shall not exceed 0.5;
 - (cc) for the production of Basic Seed the total percentage by number of plants of the female component which are recognisable as obviously not being true to the component and which have shed pollen or are shedding pollen shall not exceed 0.5;
 - (dd) where a male-sterile component has been used to produce Certified Seed by using a male component which contains a specific restorer line or lines, at least one-third of the plants grown from the resulting hybrid shall produce pollen which appears normal in all aspects.

PART II

No. 255

Seeds

1595

A. CONDITIONS RELATING TO BASIC SEED, CERTIFIED SEED AND CERTIFIED SEED OF THE FIRST, SECOND AND THIRD GENERATIONS

1. The seeds shall possess the varietal identity and varietal purity, as appropriate to the kind of seed, specified in Part I. Where a female male-sterile component and a male component which does not restore male fertility have been used for the production of Certified Seed of hybrids of sunflower, the seed produced by the male-sterile parent shall be blended with seed produced by the fully fertile seed parent. The ratio of male-sterile parent seed to male-fertile parent shall not exceed two to one.

2. The seeds shall comply with the following standards:—

Kind	Minimum Germination (% of pure seed)	Analytical purity		Maximum content by number of seeds of other plant species in a sample of the weight specified in Part II of Schedule 5						
		Minimum analytical purity (% by weight)	Maximum content of seed of other plant species (% by weight)	Other plant species (*)	Wild Oat (<i>Avena fatua</i> , <i>A. ludoviciana</i> , <i>A. sterilis</i>)	Dodder (<i>Cuscuta</i> spp.)	Wild radish (<i>Raphanus raphanistrum</i>)	Dock (<i>Rumex</i> spp. excl. <i>R. acetosella</i>)	Blackgrass (<i>Alopecurus myosuroides</i>)	<i>Lolium remotum</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Brassica species										
— Basic Seed	85	98	0.3	—	0	0(†)	10	2		
— Certified Seed	85	98	0.3	—	0	0(†)	10	5		
Sunflower	85	98	—	5	0	0				
Flax	92	99	—	15	0	0(†)			4	2
Linseed	85	99	—	15	0	0(†)			4	2
Soya Bean	80	98	—	5	0	0				
White mustard										
— Basic Seed	85	98	0.3	—	0	0(†)	10	2		
— Certified Seed	85	98	0.3	—	0	0(†)	10	5		

* The maximum content of seeds laid down in Column 5 includes also the seeds of the kinds in Columns 6 to 11.

† The presence of one seed of dodder (*Cuscuta* spp.) in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of dodder.

3.—(1) The seeds shall be of a satisfactory state of health as far as seed-borne organisms and diseases affecting the seeds are concerned. In particular the seeds shall not exceed the following standards:

Kind	Harmful organisms		
	Maximum percentage by number of seeds contaminated by harmful organisms (total per column)		<i>Sclerotinia sclerotiorum</i> (maximum number of <i>sclerotia</i> or fragments of <i>sclerotia</i> in a sample of the weight specified in Column 4 of Part II of Schedule 5)
	<i>Botrytis</i> spp.	<i>Alternaria</i> spp., <i>Phoma exigua</i> var. <i>linicola</i> , <i>Colletotrichum lini</i> , <i>Fusarium</i> spp.	
1	2	3	4
Turnip rape			5
Swede rape			10
Sunflower	5		10
Flax and Linseed	5	5(*)	
White mustard			5

* In flax the maximum percentage by number of seeds contaminated by *Phoma exigua* var. *linicola* shall not exceed 1%.

(2) In soya bean—

- (a) the maximum number of sub-samples within a sample of 5,000 seeds minimum per lot subdivided into 5 sub-samples which have been found to be contaminated by *Pseudomonas syringae* pv *glycinea* shall not exceed 4;
- (b) the maximum number of seeds contaminated by *Diaporthe phaseolorum* shall not exceed 15%; and
- (c) the percentage by weight of inert matter shall not exceed 0.3%.

PART I

SAMPLING OF SEED LOTS

1. (a) A sample shall be obtained from the seed lot by taking primary samples at random from different positions in the lot and combining them to form a composite sample of at least the appropriate minimum weight prescribed in Part II for a submitted sample of a particular kind of seed.
- (b) A composite sample formed in accordance with sub-paragraph (a) shall, subject to sub-paragraph (c), be used as a submitted sample.
- (c) Where a composite sample exceeds the appropriate maximum weight prescribed in Part II for a submitted sample of a particular kind of seed, either of the dividers described in paragraph 13 may be used to obtain the submitted sample.

Primary sample size

2. At each position of sampling of a seed lot, primary samples of approximately equal size shall be taken.

Condition of the seed lot

3. The seed lot to be sampled shall have been subject to appropriate mixing and blending techniques so that it is as uniform as practicable. There shall be no documentary or other evidence of heterogeneity. If a seed lot is presented for sampling in more than one container, the containers shall be of the same size and type and contain approximately the same weight of seed.

Sampling from sacks or similar containers

4. Where the seed lot is in sacks or similar containers each containing more than 15 kg of seed and not more than 100 kg of seed, the minimum number of containers to be sampled shall be ascertained in accordance with the following table:—

NUMBER OF CONTAINERS IN THE LOT	MINIMUM NUMBER OF CONTAINERS TO BE SAMPLED
1-5	Sample each container and always take at least 5 primary samples
6-30	Sample 5 containers or at least 1 in every 3 containers, whichever is the greater
31-400	Sample 10 containers or at least 1 in every 5 containers, whichever is the greater
401 or more	Sample 80 containers or at least 1 in every 7 containers, whichever is the greater.

5. The containers to be sampled shall be selected at random and primary samples drawn from the top, middle and the bottom of containers, but not necessarily from

more than one position in any container. The position from which the seed is taken shall be varied from container to container.

Sampling from small containers

6. Where a seed lot is in a container holding 15 kg of seed or less, a 100 kg weight of seed shall be taken as the basic unit and a number of such containers shall be combined to form a sampling unit not exceeding 100 kg (for example, 6 packages of 15 kg, 20 packages of 5 kg). For sampling purposes each such unit shall be regarded as one container and the sampling procedures prescribed in paragraphs 4 and 5 shall be used.

7.—(1) Where seed is in a moisture-proof container the opened or pierced container shall be adequately closed or the residues from sampling transferred to a new container.

(2) Where seeds are in small packages holding 100 g or less each package may be considered as a primary sample and a sufficient number shall be taken at random to obtain a submitted sample of the minimum size prescribed in Part II.

Sampling from large containers or seed in bulk

8. Where a seed lot is in a container holding more than 100 kg of seed, or where a seed lot is in bulk, primary samples shall be taken from different horizontal and vertical positions selected at random and the minimum number of samples to be taken shall be ascertained in accordance with the following table—

LOT WEIGHT	MINIMUM NUMBER OF PRIMARY SAMPLES TO BE TAKEN
Up to 500 kg	5 primary samples
501–3000 kg	1 primary sample for each 300 kg or 5 primary samples whichever is the greater
3001–20,000 kg	1 primary sample for each 500 kg or 10 primary samples whichever is the greater
20,001 kg or more	1 primary sample for each 700 kg or 40 primary samples whichever is the greater.

Sampling from a seed stream

9. Samples may be drawn from a seed stream during processing using an automatic sampling device which shall uniformly sample the entire cross-section of the seed stream when a sample is taken. Portions of seed shall be taken at regular intervals throughout the processing of the seed lot and the minimum number of samples to be taken shall be ascertained in accordance with the Table to paragraph 8.

Sampling instruments

10. A sampling instrument shall be capable of sampling all parts of the seed lot and shall be clean before use.

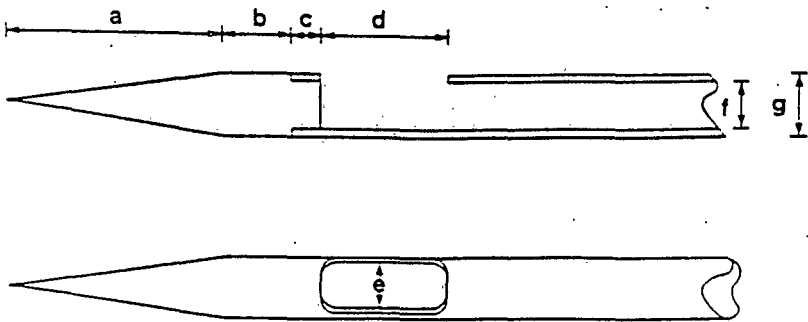
11. The instrument used for drawing primary samples shall be one of the samplers described in sub-paragraphs (a) to (d) as appropriate to the location of the seeds.

(a) Dynamic spear sampler

This instrument may be used, in accordance with one of the methods described in paragraph 12(1), for taking samples of seeds from sacks or small containers and shall—

- (i) be a hollow, cylindrical, solid-pointed metal spear or trier as specified in Figure I with the dimensions specified in the Table thereto as appropriate to the kind of seed; and
- (ii) have an aperture so positioned that portions of seed of equal volume are removed from each part of the sack through which it travels.

Figure I



TABLE

Dimensions (mm)

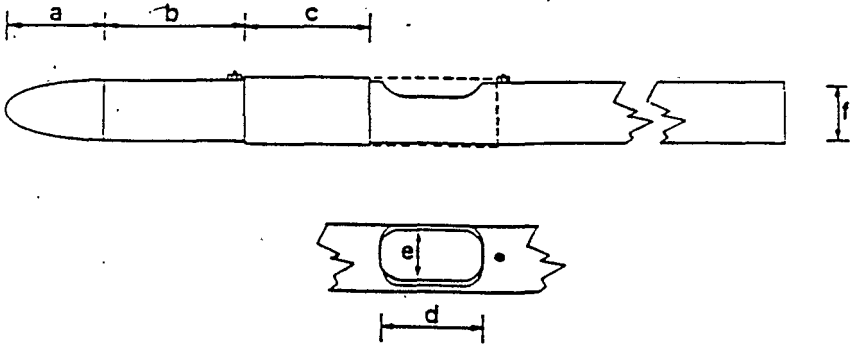
	Point (a)	Shoulder (b)	Boss (c)	Aperture Length (d)	Aperture Width (e)	Bore (f)	Outside Diameter (g)
For taking samples of:							
All kinds other than soya bean, sunflower, flax or linseed	42	7	8	20	8	10	12
All kinds other than soya bean and sunflower	85	12	10	33	11	13	15
All kinds ...	82	12	13	40	15	17	19

(b) Stick samplers

These instruments shall have an aperture or apertures which shall be of sufficient size to allow the unrestricted entry of seeds or other particles and which shall be capable of being opened and closed during the sampling procedure as appropriate to the procedures set out in paragraph 12(2) in relation to the single chamber type or in paragraph 12(3) in relation to the multi-chamber type as the case may be.

- (i) A stick sampler of the single chamber type shall be that sampler specified in Figure II having the dimensions specified in the Table thereto, and may be used for taking samples of seeds from open sacks, from containers holding more than 100 kg or from bulk.

Figure II



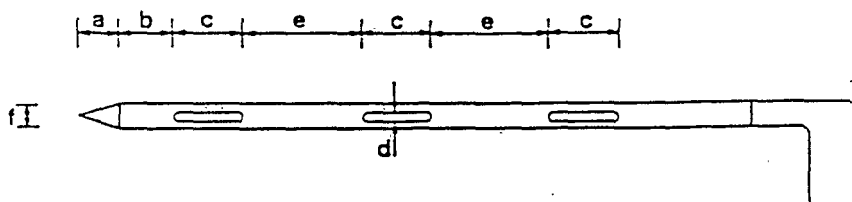
TABLE

Dimensions (mm)

	Point (a)	Shoulder (b)	Sliding Sleeve (c)	Aperture Length (d)	Aperture Width (e)	Bore (f)
For taking samples of:						
Seeds from sacks	55	25	75	50	22	25
Seeds from containers holding more than 100 kg or from bulk	100	390	63	50	22	30

- (ii) A stick sampler of the multi-chamber type shall be that sampler specified in Figure III having the dimensions specified in the Table thereto and may be used to take samples of seeds from sacks or, subject to the requirements of paragraph 10, any other containers. The apertures shall open into chambers which shall be separated from one another by transverse partitions. The contents of each chamber shall be regarded as a primary sample.

Figure III



TABLE

Dimensions (mm)

	Point (a)	Shoulder (b)	Aperture Length (c)	Aperture Width (d)	Aperture Separation (e)	Bore (f)
For taking samples of: All kinds ...	60	50	100	15	110	25

(c) Cargo sampler

This instrument shall only be used, in accordance with the procedures set out in paragraph 12(4), for taking samples of seed from containers holding more than 100 kg or from bulk and shall be used only in the vertical position.

(d) Seed stream samplers

Seed stream samplers shall uniformly sample the entire cross section of the seed stream without any loss of the seeds which enter the sampler, in accordance with the procedure set out in paragraph 12(5). Timing devices shall be attached so that the frequency and duration of sampling can be adjusted to meet the requirements of paragraph 9.

Procedures and methods of use

12.—(1) A dynamic spear sampler may be used in accordance with one of the following methods as appropriate to their length, that is to say—

Method 1 (For instruments in which the aperture reaches only to the centre of the sack or small container).

The instrument shall be inserted into the sack in an upward direction at an angle of approximately 30° to the horizontal with its aperture downwards until the aperture reaches the centre of the sack or container. The instrument shall be lightly tapped to remove any seed taken in and then rotated to bring the aperture uppermost. It shall be withdrawn immediately with a vibratory or oscillatory motion and at a decreasing speed so that the quantity of seed obtained from successive locations increases progressively from the centre to the side of the sack. Seed passing through the instrument shall be collected in a clean container.

Method 2 (For instruments in which the aperture reaches to the far side of a sack or small container).

A longer instrument shall be inserted in the manner described in *Method 1* until its aperture reaches almost to the far side of the sack or container. It shall be tapped and

rotated in the manner described in *Method 1* and then withdrawn at a uniform speed. Seed passing through the instrument shall be collected in a clean container.

(2) A stick sampler of the single chamber type shall be used in accordance with the procedures set out in sub-paragraphs (a) to (e), that is to say—

- (a) the sleeve shall move freely;
- (b) the instrument shall be inserted vertically downwards till the aperture reaches primary sampling position ensuring that the sleeve covers the aperture as it enters the seed;
- (c) the instrument shall be withdrawn sufficiently to uncover the aperture;
- (d) the instrument shall be left in position until the primary sample has been collected;
- (e) the instrument shall be withdrawn and the contents emptied into a clean container.

(3) A stick sampler of the multi-chamber type shall be used in accordance with the procedures set out in sub-paragraphs (a) to (g), that is to say—

- (a) the apertures shall be closed before insertion;
- (b) the instrument shall be inserted diagonally into sacks or vertically into large containers so that all apertures are fully covered;
- (c) the apertures shall be opened;
- (d) the instrument shall be agitated so that seed enters;
- (e) the apertures shall be closed gently to ensure that trapped seed is not broken or damaged;
- (f) the instrument shall be withdrawn and if the chambers are full the contents shall be emptied onto a clean surface or into a clean container;
- (g) if all the chambers are not full, the contents shall be discarded and procedures set out in sub-paragraphs (a) to (f) shall be repeated.

(4) A cargo sampler shall be used in accordance with the procedures set out in sub-paragraphs (a) to (e), that is to say—

- (a) the lid shall open and close easily;
- (b) the instrument shall be inserted with the lid closed to the appropriate primary sampling position which shall be at least 300 mm below the surface of the seed;
- (c) the handle shall be raised sufficiently to open the lid;
- (d) the instrument shall be left in position until the primary sample has been collected;
- (e) the instrument shall be withdrawn and the contents shall be emptied into a clean container.

(5) A seed stream sampler shall be used in accordance with the following procedure—

Such instrument shall be required to take the number of primary samples necessary for the weight of the lot being sampled, the primary samples being taken from the lot at regular intervals and the resultant composite sample being of a weight not less than the appropriate minimum weight prescribed in Part II and not greater than can conveniently be reduced by means of one of the methods of sample reduction described in paragraph 14. Such instrument shall be installed in such a way that the composite sample shall be readily identifiable with the seed lot from which it was taken.

Obtaining submitted sample — composite sample division instruments

13. Where paragraph 1(c) applies the divider described in either sub-paragraph (a) or (b) may be used in accordance with the procedures set out in paragraph 14 to obtain the submitted sample.

(a) Riffle divider

The riffle divider shall consist of a rectangular hopper leading to a series of evenly spaced chutes, arranged so that seed is distributed equally on two sides. There shall be a minimum of 18 chutes, each discharging in the opposite direction to its immediate neighbour.

Three or more metal collecting pans of sufficient depth to prevent seed bouncing out shall be used.

(b) Centrifugal divider

The centrifugal divider shall consist of a hopper from which seed flows on to a shallow cup which is then rotated by an electric motor. The seed shall be distributed by centrifugal force onto a stationary baffle which divides it into two equal parts which are then discharged through separate spouts.

Four metal collecting pans of sufficient depth to prevent seed bouncing out shall be used.

Procedure for use of dividers

14.—(1) A riffle divider shall be used in accordance with the procedures set out in sub-paragraphs (a) to (s), that is to say—

- (a) the divider shall be placed on a firm level surface;
- (b) the divider and pans shall be clean.

Sample mixing

- (c) An empty pan shall be placed on each side of the divider to receive the discharge from the chutes;
- (d) the entire composite sample shall be poured evenly into the other pan;
- (e) the seed shall then be poured from the pan evenly along the entire length of the hopper;
- (f) the two pans into which the seed has passed shall then be replaced with empty pans;
- (g) the procedures set out in sub-paragraphs (e) and (f) shall then be repeated twice to mix the sample thoroughly.

Sample reduction

- (h) Before reduction, the composite samples shall have been thoroughly mixed using procedures set out in sub-paragraphs (c) to (g). The contents of one of the two receiving pans shall then be set aside. If the seed in the second pan is of at least the appropriate minimum weight prescribed in Part II for a submitted sample of a particular kind of seed, it may be used as the submitted sample. If the weight of seed in the second pan is greater than the appropriate minimum weight prescribed in Part II for a submitted sample, it may be reduced using the procedures set out in sub-paragraphs (i) to (k);
- (i) an empty pan shall be placed on each side of the divider to receive the discharge from the chutes;
- (j) the contents of the second pan shall be poured evenly along the entire length of the hopper;

- (k) the contents of one of the two pans into which the seed has passed shall then be set aside. If the weight of seed in the other pan is still greater than the appropriate minimum weight prescribed in Part II for the submitted sample, it may be used as a submitted sample or it may be reduced further using the procedures set out in sub-paragraphs (i), (j) and this sub-paragraph;
- (l) if the weight of seed in either of the two pans mentioned in sub-paragraphs (h) or (k) is less than the appropriate minimum weight prescribed in Part II for a submitted sample, the procedures set out in sub-paragraphs (m) to (q) shall be used;
- (m) an empty pan shall be placed on each side of the divider to receive the discharge from the chutes;
- (n) the contents of one of the pans shall be set aside. The contents of the other pan shall be poured evenly along the entire length of the hopper;
- (o) one receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place;
- (p) the contents of the pan removed at (o) shall be poured evenly along the entire length of the hopper so that two subsamples of different weight shall be produced;
- (q) the procedures set out in sub-paragraphs (o) and (p), when repeated, constitute the process of continuous halving, and shall be repeated using whichever subsample is appropriate until sufficient seed is obtained in one pan, which when added to the seed set aside in accordance with sub-paragraph (n) produces a sample of at least the appropriate minimum weight prescribed in Part II.

Obtaining more than one submitted sample

- (r) Two submitted samples shall be obtained from a composite sample by first obtaining a sample of at least twice the appropriate minimum weight prescribed in Part II for a submitted sample, using the procedures set out in sub-paragraphs (c) to (g) and (h) to (q) as appropriate, and then dividing it into two parts by passing it once through the divider;
 - (s) where three submitted samples are required from one composite sample, one sample of at least the appropriate minimum weight prescribed in Part II for a submitted sample, shall be extracted using the procedures set out in sub-paragraphs (c) to (g) and (h) to (q) as appropriate. All portions of seed which have been set aside shall then be recombined and the residue of the composite sample so obtained shall be subject to the procedure set out in sub-paragraph (r).
- (2) A centrifugal divider shall be used in accordance with the procedures set out in sub-paragraphs (a) to (u), that is to say—
- (a) the divider shall be levelled prior to use;
 - (b) the divider and pans shall be clean.

Sample mixing

- (c) An empty pan shall be placed under each spout of the divider;
- (d) the entire composite sample shall be poured into the centre of the hopper;
- (e) the motor shall be operated so that the seed passes into the pans;
- (f) the motor shall be switched off;
- (g) the two pans containing seed shall be removed and replaced by empty ones;

- (h) the contents of both pans removed in accordance with sub-paragraph (g) shall be poured together into the centre of the hopper, the seed being allowed to blend as it flows in. The procedures set out in sub-paragraphs (e), (f) and (g) shall be repeated;
- (i) the procedure set out in sub-paragraph (h) shall be repeated to mix the sample thoroughly.

Sample reduction

- (j) Before reduction, the composite sample shall have been thoroughly mixed using the procedures set out in sub-paragraphs (c) to (i). The contents of one of the two receiving pans shall then be set aside. If the seed in the second pan is of at least the minimum weight prescribed in Part II for a submitted sample of a particular kind of seed, it may be used as the submitted sample. If the weight of seed in the second pan is greater than the appropriate minimum weight prescribed in Part II for a submitted sample it may be reduced using the procedures set out in sub-paragraphs (k) to (m);
- (k) empty pans shall be placed under the spouts;
- (l) the contents of the second pan shall be poured into the hopper and the procedures set out in sub-paragraphs (e) and (f) shall be repeated;
- (m) the contents of one of the two pans into which the seed has passed shall then be set aside. If the weight of seed in the other pan is still greater than the appropriate minimum weight prescribed in Part II for a submitted sample, it may be used as the submitted sample or it may be reduced further using the procedures set out in sub-paragraphs (k), (l) and this sub-paragraph;
- (n) if the weight of seed in either of the two pans mentioned in sub-paragraphs (j) or (m) is less than the appropriate minimum weight prescribed in Part II for a submitted sample, the procedures set out in sub-paragraphs (o) to (s) shall be used;
- (o) empty pans shall be placed under the spouts;
- (p) the contents of one of the pans shall be set aside. The contents of the other pan shall be poured into the centre of the hopper and the procedures set out in sub-paragraphs (e) and (f) shall be repeated;
- (q) one receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place;
- (r) the contents of the pan removed in accordance with sub-paragraph (q) shall be poured into the centre of the hopper and procedures set out in sub-paragraphs (e) and (f) shall be repeated so that two subsamples of different weight shall be produced;
- (s) the procedures set out in sub-paragraphs (q) and (r), when repeated, constitute the process of continuous halving, and shall be repeated using whichever subsample is appropriate until sufficient seed is obtained in one pan, which when added to the seed set aside in accordance with sub-paragraph (p) produces a sample of at least the appropriate minimum weight prescribed in Part II.

Obtaining more than one submitted sample

- (t) Two submitted samples shall be obtained from a composite sample by first obtaining a sample of at least twice the appropriate minimum weight prescribed in Part II for a submitted sample, using the procedures set out in sub-paragraphs (c) to (i) and (j) to (s) as appropriate, and then dividing it into two parts by passing it once through the divider;

- (u) where three submitted samples are required from one composite sample, one sample, of at least the appropriate minimum weight prescribed in Part II for a submitted sample, shall be extracted using the procedures set out in sub-paragraphs (c) to (i) and (j) to (s) as appropriate. All portions of seed which have been set aside shall then be recombined and the residue of the composite sample so obtained shall be subject to the procedure set out in sub-paragraph (t).

Discretion of the Department in relation to instruments or methods

15. Where it is not practicable to use one of the instruments or methods described in paragraphs 10 to 14 such other instruments or methods as the Department may approve may be used.

PART II

MAXIMUM WEIGHT OF A SEED LOT AND MINIMUM WEIGHT OF A SUBMITTED SAMPLE

1. The maximum weight of a seed lot shall be as set out in sub-paragraph (a) (or a weight which does not exceed that set out in that sub-paragraph by more than 5%) and the minimum weight of a submitted sample shall be as set out in sub-paragraph (b).

(a)

<i>Kind</i>	<i>Maximum weight of a lot (tonnes)</i>
Turnip rape	10
Brown mustard	10
Swede rape	10
Black mustard	10
Sunflower	20
Flax and Linseed	10
White mustard	10
Soya bean	20

(b)

<i>Kind</i>	<i>Minimum weight of a submitted sample to be drawn from a lot (g)</i>
Turnip rape	200
Brown mustard	100
Swede rape	200
Black mustard	100
Sunflower	1,000
Flax and Linseed	300
White mustard	400
Soya bean	1,000

2. The weight in grams of the sample for determination by number of seeds of other plant species provided for in columns 5 to 11 of paragraph 2 of Part II of Schedule 4 and in column 4 of paragraph 3 of that Part shall be as follows:

<i>Kind</i>	<i>Weight (g)</i>
Turnip rape	70
Brown mustard	40
Swede rape	100
Black mustard	40
Sunflower	1,000
Flax and Linseed	150
White mustard	200
Soya bean	1,000

SCHEDULE 6

Regulations 5(3) and (12)
and 9(2), (4), (5) and (8)

PARTICULARS PRESCRIBED 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

PART I

SECTION A

OFFICIAL LABEL FOR A PACKAGE OF BREEDER'S SEED

(a) Prescribed contents

1. Certifying Authority
2. Reference number
3. Month and year when officially sealed
4. Kind
5. Variety
6. "Breeder's Seed"
7. Declared net or gross weight or declared number of seeds
8. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seed and the total weight.

(b) Minimum size of label — 110 mm x 67 mm.

(c) The label shall be coloured violet.

SECTION B

OFFICIAL LABEL FOR A PACKAGE OF PRE-BASIC SEED

(a) Prescribed contents

1. Certifying Authority and member State or their mark
2. Reference number of the lot
3. Month and year when officially sealed
4. Kind
5. Variety
6. "Pre-basic Seed"
7. Country of production
8. Declared net or gross weight or declared number of seeds
9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seed and the total weight
10. Number of generations preceding seed of the categories "Certified Seed" or "Certified First Generation Seed".

(b) Minimum size of the label — 110 mm x 67 mm.

(c) The label shall be coloured white with a diagonal violet line.

SECTION C

OFFICIAL LABEL FOR A PACKAGE OF BASIC SEED, CERTIFIED SEED, CERTIFIED SEED OF THE FIRST GENERATION, CERTIFIED SEED OF THE SECOND GENERATION OR CERTIFIED SEED OF THE THIRD GENERATION

(a) Prescribed contents

1. "EEC rules and standards"
 2. Certifying Authority and member State or their mark
 3. Reference number of the lot
 4. Month and year when officially sealed
 5. Kind
 6. Variety
 7. Category
 8. Country of production
 9. Declared net or gross weight or declared number of seeds
 10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seed and the total weight
 11. In the case of varieties which are hybrids or inbred lines—
 - (a) for Basic Seed where the hybrid or inbred line to which the seed belongs has been officially accepted on a National List or the Common Catalogue,
 - the name of this component, under which it has been officially accepted, with or without reference to the final variety, accompanied, in the case of hybrids or inbred lines which are intended solely as components for final varieties, by the word "component";
 - (b) for Basic Seed in other cases,
 - the name of the component to which the Basic Seed belongs, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its function (male or female), and accompanied by the word "component";
 - (c) for Certified Seed,
 - the name of the variety to which the seed belongs, accompanied by the word "hybrid".
- (b) Minimum size of label — 110 mm x 67 mm.
- (c) The label shall be coloured white for Basic Seed, blue for Certified Seed and Certified Seed of the First Generation and red for Certified Seed of the Second and Third Generations.

SECTION D

OFFICIAL LABEL FOR A PACKAGE OF COMMERCIAL SEED

(a) Prescribed contents

1. "EEC rules and standards"
2. Authority responsible for sealing and member State or their mark

3. Reference number of the lot
 4. Month and year when officially sealed
 5. Kind
 6. "Commercial Seed (not certified as to variety)"
 7. Country of production or region of production within a country
 8. Declared net or gross weight or declared number of seeds
 9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seed and the total weight.
- (b) Minimum size of the label — 110 mm x 67 mm.
- (c) The label shall be coloured brown.

SECTION E

OFFICIAL LABEL FOR A PACKAGE OF SEED NOT FINALLY CERTIFIED

- (a) Prescribed contents of the label
1. Certifying Authority
 2. Kind
 3. Variety (In the case of varieties (inbred lines, hybrids), which are intended solely as components for hybrid varieties, the word "component" shall be added.)
 4. Category (In the case of hybrid varieties the word "hybrid" shall be added.)
 5. Crop Identity Number
 6. Declared net or gross weight in tonnes
 7. The words "seed not finally certified".
- (b) The label shall be coloured grey.
- (c) Information required for the document.
1. Certifying Authority
 2. Kind
 3. Variety
 4. Category
 5. Seed Lot Reference Number (UK) or Reference Number (other than UK) of the seed used to sow the field and name of the country which certified that seed
 6. Crop Identity Number
 7. Area in hectares cultivated for the production of the lot covered by the document
 8. Quantity of seed harvested and number of packages
 9. In the case of certified seed, the number of generations after basic seed
 10. Attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled
 11. Where appropriate, results of a preliminary seed analysis.

SMALL PACKAGES

SUPPLIER'S LABEL FOR A SMALL PACKAGE OF PRE-BASIC SEED, BASIC SEED, CERTIFIED SEED, CERTIFIED SEED OF THE FIRST GENERATION, CERTIFIED SEED OF THE SECOND GENERATION, CERTIFIED SEED OF THE THIRD GENERATION OR COMMERCIAL SEED

(a) Prescribed contents

1. "EEC rules and standards"
2. Name and address of the supplier responsible for affixing the label or his identification mark
3. Reference number of the lot
4. Kind
5. Variety (if appropriate)
6. Category
7. Declared net weight or declared number of seeds except in the case of packages not exceeding 15 grams net weight
8. "Passed for marketing in the United Kingdom only"

(b) The label shall be coloured white with a diagonal violet line for Pre-basic Seed, white for Basic Seed, blue for Certified Seed and Certified Seed of the First Generation, red for Certified Seed of the Second and Third Generations and brown for Commercial Seed.

PART III

PARTICULARS TO BE MARKED OR DISPLAYED ON THE SALE OF UNPACKETED SEEDS

1. "Complies with legal standards"
2. Kind
3. Variety (if appropriate).

LIMITS OF VARIATION

PART I

GERMINATION

<i>Minimum percentage of Germination</i>	<i>Limit of variation</i>
per cent	per cent
99-100	2
97-98	3
94-96	4
91-93	5
87-90	6
82-86	7
76-81	8
70-75	9

PART II

ANALYTICAL PURITY

<i>Minimum percentage of Analytical Purity</i>	<i>Limit of variation</i>
per cent	per cent
99.9-100	0.2
99.8	0.3
99.6-99.7	0.4
99.3-99.5	0.5
99.0-99.2	0.6
98.5-98.9	0.7
98.3-98.4	0.8
97.5-98.2	0.9
97.0-97.4	1.0
96.5-96.9	1.1
95.5-96.4	1.2
95.0-95.4	1.3

PART III

CONTENT OF SEEDS OF OTHER SPECIES

<i>Maximum seeds</i>	<i>Limit of variation</i>
per cent	per cent
0.0	0.1
0.1-0.2	0.3
0.3-0.4	0.4
0.5	0.5

PART IV

NUMBER OF SEEDS OF OTHER SPECIES

<i>Maximum number of seeds</i>	<i>Limit of variation</i>
Number	Number
0	1
1	3
2	4
3-4	5
5-6	6
7-8	7
9-11	8
12-14	9
15-17	10
18-21	11
22-25	12
26-29	13
30-34	14
35-40	15
41-45	16
46-50	17

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the provisions of the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 1976.

The Regulations which come into operation on 22nd August 1994, continue to restrict the marketing in Northern Ireland of seeds of oil and fibre plants to specified categories meeting prescribed standards (regulations 3(2), 5(1) and Schedule 4). Such seeds require to be sold in sealed packages labelled or marked with prescribed particulars (regulations 8 and 9 and Schedule 6) and tampering with labels prescribed by regulations is an offence (regulation 9(14)).

The Regulations make provision for the taking of samples for the verification of standards (regulation 7 and Schedule 5) and provide that certain particulars stated or implied on a package of seeds are deemed to constitute a statutory warranty by the seller for the protection of the purchaser for the purpose of section 4 of the Seeds Act (Northern Ireland) 1965 (regulation 10(1)).

The Regulations incorporate a provision required under Council Directive 88/380/EEC (O.J. No. L187, 16.7.88, p. 31), relating to the marketing to other member States of seed in respect of which an official certificate has not been issued (regulation 5(12) and Schedule 6 Part I Section E).

The Regulations implement as respects Northern Ireland Council Directive 69/208/EEC (O.J. No. L169, 10.7.69, p. 3) (O.J./S.E. 1969(ii), p. 315), on the marketing of seed of oil and fibre plants as amended by Council Directive 88/380/EEC (O.J. No. L187, 16.7.88, p. 31), Commission Directive 92/9/EEC (O.J. No. L70, 17.3.92, p. 25) and Commission Directive 92/107/EEC (O.J. No. L16, 25.1.93, p. 1).