

**2014 No. 295**

**SEEDS**

**The Seeds (Miscellaneous Amendments) Regulations (Northern  
Ireland) 2014**

*Made* - - - - *4th December 2014*

*Coming into force* - - *31st December 2014*

The Department of Agriculture and Rural Development(a) is designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act and it appears to the Department that it is expedient for references to the Directives specified in regulations 2, 4, 9, 15, 19 and 23 to be construed as references to those Directives as amended from time to time.

The Department makes the following regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2(d) to the European Communities Act 1972 and sections 1(1) and (2A) and 2 of the Seeds Act (Northern Ireland) 1965(e), after consultation in accordance with section 1(1) of that Act, with the representatives of such interests as appear to it to be concerned.

**PART 1**

**GENERAL**

**Citation and Commencement**

**1.** These Regulations may be cited as the Seeds (Miscellaneous Amendments) Regulations (Northern Ireland) 2014 and come into operation on 31st December 2014.

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(a) Formerly the Department for Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1) Article 3(4)  
(b) S.I. 2000/2812  
(c) 1972 c.68  
(d) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).  
(e) 1965 c.22; section 1 was amended by 1970 c.20 (N.I.), section 10(1) and S.R. & O.(N.I.) 1972 No. 351 Article 3 and Schedule 3; section 2 was amended by 1970 c.20 (N.I.), section 10(2) and S.R. 1977 No. 295 Article 2.

## PART 2

### AMENDMENT OF THE SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS (NORTHERN IRELAND) 2009

#### **Amendment of the Seeds (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009**

2. In regulation 2(1) (general interpretation) of the Seeds (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009(a), for the definition of “the Seed Marketing Directives” substitute—

““the Seed Marketing Directives” means—

- (a) Council Directive 2002/54/EC(b) on the marketing of beet seed;
- (b) Council Directive 66/402/EEC(c) on the marketing of cereal seed;
- (c) Council Directive 66/401/EEC(d) on the marketing of fodder plant seed;
- (d) Council Directive 2002/57/EC(e) on the marketing of oil and fibre plant seed; and
- (e) Council Directive 2002/55/EC(f) on the marketing of vegetable seed,

as amended from time to time;”

## PART 3

### AMENDMENT OF THE FODDER PLANT SEEDS REGULATIONS (NORTHERN IRELAND) 2009

#### **Amendment of the Fodder Plant Seeds Regulations (Northern Ireland) 2009**

3. The Fodder Plant Seeds Regulations (Northern Ireland) 2009(g) are amended in accordance with regulations 4 to 7.

4. In regulation 2(1) (general interpretation)—

- (a) in the definition “another Member State” after “United Kingdom” insert “, and Switzerland”;
- (b) in the definition “the Common Catalogue Directive” for “as last amended by the Food and Feed Regulation” substitute “as amended from time to time”;
- (c) in the definition “the Deliberate Release Directive” for “as last amended by Council Regulation” to the end substitute “as amended from time to time”;
- (d) in the definition “EEA State” for “Communities” substitute “European Union”;
- (e) in the definition “equivalent third country” delete “Croatia,”;
- (f) in the definition “the Fodder Plant Seed Directive” after “the marketing of fodder plant seed” insert “as amended from time to time”; and
- (g) for the definition “member State” substitute ““member State” means any EEA State and Switzerland;”.

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(a) S.R. 2009 No.388

(b) OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive 2004/117/EC (OJ No L 14, 18.1.2005, p. 18).

(c) OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Implementing Directive 2012/37/EU (OJ No L 325, 23.11.2012, p. 13).

(d) OJ No L 125, 11.7.1966, p. 2298, as last amended by Commission Implementing Directive 2012/37/EU (OJ No L 325, 23.11.2012, p. 13).

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

(f) OJ No L 193, 20.7.2002, as last amended by Commission Implementing Directive 2013/45/EU (OJ No L 213, 8.8.2013, p.20).

(g) S.R. 2009 No. 385 as amended by S.R 2011 No. 397 and S.R. 2013 No. 304.

5. In regulation 29(2) for “the Department by” substitute “thereby”.

6. In Schedule 1 in paragraphs 2(2)(a) and (b), 6(2)(a) and (b), 10(2)(a) and (b), 14(2)(a) and (b), 16(2)(a) and (b), 20(2)(a) and (b), 24(2)(a) and (b), 28(2)(a) and (b), 32(2)(a) and (b), 36(2)(a) and (b), 40(2)(a) and (b), 44(2)(a) and (b), 48(2) and 50(2) after “on behalf of” insert “the Department,”.

7. In Schedule 8 in paragraphs 9(a), 18(a) and 47(1)(a) for “EC” substitute “EU”.

## PART 4

### AMENDMENT OF THE OIL AND FIBRE PLANT SEEDS REGULATIONS (NORTHERN IRELAND) 2009

#### **Amendment of the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 2009**

8. The Oil and Fibre Plant Seeds Regulations (Northern Ireland) 2009(a) are amended in accordance with regulations 9 to 13.

9. In regulation 2(1) (general interpretation) the following definitions are to be amended—

- (a) in the definition “another Member State” after “United Kingdom” insert “, and Switzerland”;
- (b) in the definition “the Common Catalogue Directive” for “as last amended by the Food and Feed Regulation” substitute “as amended from time to time”;
- (c) in the definition “the Deliberate Release Directive” for “as last amended by Council Regulation” to the end substitute “as amended from time to time”;
- (d) in the definition “EEA State” for “Communities” substitute “European Union”;
- (e) in the definition “equivalent third country” delete “Croatia,”;
- (f) for the definition “Member State” substitute ““member State” means any EEA State and Switzerland;” and
- (g) in the definition “the Oil and Fibre Plant Seed Directive” for “as last amended by Commission Directive 2007/72/EC” substitute “as amended from time to time”.

10. In Schedule 1 in paragraphs 2(2)(a) and (b), 6(2)(a), 8(2)(a) and (b), 12(2)(a) and (b), 16(2)(a) and (b), 20(2)(a) and (b), 22(2)(a) and (b), 26(2)(a) and (b), 30(2)(a) and (b), 34(2)(a) and (b), 38(2)(a) and (b), 42(2)(a) and (b), 46(2)(a) and (b), 50(2)(a) and (b), 54(2)(a) and (b), 58(2)(a) and (b) and 62(2) after “on behalf of” insert “the Department,”.

11. In Schedule 4—

- (a) in paragraph 7(1), in column 2 of the table—
  - (i) for the entry “Linseed–basic, C1, C2 and C3 seed” insert “99”;
  - (ii) for the entry “Soya bean–basic, C1, C2 and C3 seed” insert “98”; and
  - (iii) for the entry “Sunflower–basic, C1, C2 and C3 seed” insert “98”.
- (b) In paragraph 9(2) for “falx” substitute “flax and linseed”.

12. In Schedule 7, in column 2 of the table for the entry “Soya bean” for “25” substitute “30”.

13. In Schedule 8, in paragraphs 8(a), 13(b)(i), 16(a), 21(b)(i), 24(a) and 39(1)(a) for “EC” substitute “EU”.

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(a) S.R. 2009 No. 386.

## PART 5

### AMENDMENTS TO THE VEGETABLE SEEDS REGULATIONS (NORTHERN IRELAND) 2009

#### **Amendments to the Vegetable Seeds Regulations (Northern Ireland) 2009**

14. The Vegetable Seeds Regulations (Northern Ireland) 2009(a) are amended in accordance with regulations 15 to 17

15. In regulation 2(1) (general interpretation)—

- (a) in the definition “another member State” after “United Kingdom” insert “, and Switzerland”;
- (b) in the definition “the Deliberate Release Directive” for “as last amended by Council Regulation” to the end substitute “as amended from time to time”;
- (c) in the definition “EEA State” for “Communities” substitute “European Union”;
- (d) in the definition “equivalent third country”, delete “Croatia,”; and
- (e) for the definition “member State” substitute ““member State” means any EEA State and Switzerland;”.

16. In Schedule 1 in paragraphs 2(2)(a) and (b), 5(2)(a) and (b), 9(2)(a) and (b), 12(2)(a) and (b), 14(2)(a) and (b), 17(2)(a) and (b), 21(2)(a) and (b) and 24(2)(a) and (b) after “on behalf of” insert “the Department,”.

17. In Schedule 8 in paragraphs 8(a), 13(b)(i), 15(b)(i), 20(b)(i) and 24(b)(i) for “EC” substitute “EU”.

## PART 6

### AMENDMENTS TO THE BEET SEEDS REGULATIONS (NORTHERN IRELAND) 2009

#### **Amendments to the Beet Seeds Regulations (Northern Ireland) 2009**

18. The Beet Seeds Regulations (Northern Ireland) 2009(b) are amended in accordance with regulations 19 to 21.

19. In regulation 2(1) (general interpretation)—

- (a) in the definition “another member State” after “United Kingdom” insert “, and Switzerland”;
- (b) in the definition “the Beet Seed Directive” for “as last amended by Council Directive 2004/117/EC” substitute “as amended from time to time”;
- (c) in the definition “the Common Catalogue Directive” for “as last amended by the Food and Feed Regulation” substitute “as amended from time to time”;
- (d) in the definition “the Deliberate Release Directive” for “as last amended by Council Regulation” to the end substitute “as amended from time to time”;
- (e) in the definition “EEA State” for “Communities” substitute “European Union”;
- (f) for the definition “equivalent third country” substitute ““equivalent third country” means Argentina, Australia, Canada, Chile, Israel, Morocco, New Zealand, Serbia and Montenegro, South Africa, Turkey, the United States of America and Uruguay;” and

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(a) S.R. 2009 No. 387 as amended by S.R. 2011 No. 38 and S.R. 2013 No. 304.

(b) S.R. 2009 No. 384

(g) for the definition “member State” substitute ““member State” means any EEA State and Switzerland;”.

**20.** In Schedule 1 in paragraphs 2(2)(a) and (b), 6(2)(a) and (b), 10(2)(a) and (b), 14(2)(a) and (b), 16(2)(a) and (b), 20(2)(a) and (b), 24(2)(a) and (b) and 28(2)(a) and (b) after “on behalf of” insert “the Department,”.

**21.** In Schedule 8 in paragraphs 8(a) and 19(1)(a) for “EC” substitute “EU”.

## PART 7

### AMENDMENTS TO THE CEREAL SEEDS REGULATIONS (NORTHERN IRELAND) 2009

#### **Amendments to the Cereal Seeds Regulations (Northern Ireland) 2009**

**22.** The Cereal Seeds Regulations (Northern Ireland) 2009(a) are amended in accordance with regulations 23 to 27.

**23.** In regulation 2(1) (general interpretation)—

- (a) in the definition “another member State” after “United Kingdom” insert “, and Switzerland”;
- (b) in the definition “the Cereal Seed Directive” for “as last amended by Commission Directive 2009/74/EC” substitute “as amended from time to time”;
- (c) in the definition “the Common Catalogue Directive” for “as last amended by the Food and Feed Regulation” substitute “as amended from time to time”;
- (d) in the definition “the Deliberate Release Directive” for “as last amended by Council Regulation” to the end substitute “as amended from time to time”;
- (e) in the definition “EEA State” for “Communities” substitute “European Union”;
- (f) in the definition “equivalent third country”, delete “Croatia,”; and
- (g) for the definition “member State” substitute ““member State” means any EEA State and Switzerland;”.

**24.—**(1) In regulation 15(1) for “Subject to paragraph (2)” substitute “Subject to paragraphs (2), (4) and (5)”.

(2) In regulation 15(3) delete “from a third country”; and

(3) After regulation 15(3) insert—

“(4) Seeds to which these regulations apply which have been imported may only be marketed in Northern Ireland if accompanied by a document stating—

- (a) that the seed has been produced from a crop which has been found to be free of plants of wild oats at the time of an official examination and that in addition a one kilogram sample of seed drawn in accordance with the method laid down in Schedule 5 of the Seeds (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009, has been found free of seed of wild oats at the time of an official examination; or
- (b) that a three kilogram sample of the seed drawn in accordance with the method laid down in Schedule 5 of the Seeds (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009 has been found to be free from wild oats at an official examination.

(5) In relation to seed to which paragraph (4) applies—

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(a) S.R. 2009 No. 383.

- (a) the Department may draw a sample in accordance with the method laid down in Schedule 5 of the Seeds (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009, for the purpose of revealing the presence of wild oats;
- (b) where a sample drawn pursuant to sub-paragraph (a) is found to contain wild oats the seed lot or part thereof represented by that sample shall not be marketed in Northern Ireland.”

25. In Schedule 1 in paragraphs 2(2)(a) and (b), 6(2)(a) and (b), 8(2)(a) and (b), 12(2)(a) and (b), 16(2)(a) and (b), 20(2)(a) and (b), 22(2)(a) and (b), 26(2)(a) and (b), 30(2)(a) and (b), 34(2)(a) and (b), 38(2)(a) and (b), 42(2)(a) and (b), 46(2)(a) and (b) and 50(2)(a) and (b) after “on behalf of” insert “the Department,”.

26. In Schedule 4—

- (a) In paragraph 12(1) for the table substitute the table in the Schedule.
- (b) after paragraph 12 insert—

**“Special wild oat purity standards**

12A. All categories of seed of oats, barley wheat, durum wheat, spelt wheat, rye and triticale shall be free of seeds of wild oat in a three kilogram sample.”

27. In Schedule 8 in paragraphs 9(a), 14(b)(i) and 35(1)(a) for “EC” substitute “EU”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 4th December 2014



*John Speers*  
A senior officer of the  
Department of Agriculture and Rural Development

SCHEDULE 1

Regulation 27(1)





## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend a number of different regulations relating to seeds.

Regulation 2 amends the Seeds (Registration, Licensing and Enforcement) Regulations (Northern Ireland) 2009 (S.R. 2009/388). The amendment replaces the existing definition of “the Seed Marketing Directives” to provide a mechanism to allow changes to relevant Council Directives, pertaining to seed marketing, to take effect in Northern Ireland law without the need for further legislative or regulatory provision.

Regulations 4(a), 9(a), 15(a), 19(a) and 23(a) amend respectively the Fodder Plant Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/385) (“the Fodder Regulations”), the Oil and Fibre Plant Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/386) (“the Oil and Fibre Regulations”), The Vegetable Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/387) (“the Vegetable Regulations”), the Beet Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/384) (“the Beet Regulations”) and the Cereal Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/383) (“the Cereal Regulations”). These amend the existing definition of “another member State” to include Switzerland.

Regulations 4(b), (c) and (f), 9(b), (c) and (g), 15(b), 19(b), (c) and (d) and 23(b), (c) and (d) amend respectively the Fodder Regulations, the Oil and Fibre Regulations, the Vegetable Regulations, the Beet Regulations and the Cereal Regulations. These amendments provide a mechanism to allow changes to relevant Council Directives to take effect in Northern Ireland law without the need for further legislative or regulatory provision.

Regulations 4(d) and (g), 7, 9(d) and (f), 13, 15(c) and (e), 17, 19(e) and (g), 21, 23 (e) and (g) and 27 amend respectively the Fodder Regulations, the Oil and Fibre Regulations, the Vegetable Regulations, the Beet Regulations and the Cereal Regulations. These amend the existing definitions of “EEA State” and “member State” to reflect the current position regarding European Institutions. They also reflect the current labelling requirement to use “EU” rather than “EC”.

Regulations 4(e), 9(e), 15(d) and 23(f) amend respectively the Fodder Regulations, the Oil and Fibre Regulations, the Vegetable Regulations and the Cereal Regulations. These amendments omit Croatia from the definition of “equivalent third country” as it is now a member of the European Union.

Regulation 5 amends the Fodder Regulations to regularise the drafting with similar provisions in other seeds legislation. The operation of the regulation is not affected.

Regulations 6, 10, 16, 20 and 25 amend respectively the Fodder Regulations, the Oil and Fibre Regulations, the Vegetable Regulations, the Beet Regulations and the Cereal Regulations. These amendments clarify the existing provisions ensuring that seed certified by the Department can be marketed in Northern Ireland.

Regulations 11 and 12 amend the Oil and Fibre Regulations to correct minor errors in the original drafting.

Regulation 19(f) amends the Beet Regulations. It replaces the existing definition of “equivalent third country” to include all countries listed in the “Third Country Equivalence Decision”, as defined in the Beet Regulations, and to regularise the drafting with similar provisions in other seeds legislation.

Regulations 24, 26 and Schedule 1 to the Regulations amend the Cereal Regulations. These amendments implement the derogation from Council Directive 66/402/EEC on the marketing of cereal seed, granted by the European Commission, in decision 74/269/EEC. They implement a regime to control, with a view to eradicating, wild oat in the area of cereal production.

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