

SCHEDULE 4

Exceptions

PART 3

Certifying seed that does not fully comply with these Regulations

[^{F1}Fodder] seed not finally certified, harvested in the United Kingdom, elsewhere than in Northern Ireland

16.—(1) [^{F2}Fodder] seed—

- (a) that has been produced directly from officially certified basic seed or certified seed of the first generation under the Directive specified in Schedule 2; and
- (b) that has been harvested in the United Kingdom, elsewhere than in Northern Ireland;

may be certified if the seed has undergone field inspection and has been found to satisfy the crop conditions specified in Schedule 2 for that category of seed and if official examination has shown that the conditions for seed of that category are satisfied.

Textual Amendments

- F1** Word in Sch. 4 para. 16 heading inserted (31.12.2020) by The Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/319), regs. 1, **3(h)(viii)(aa)**
- F2** Word in Sch. 4 para. 16(1) inserted (31.12.2020) by The Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/319), regs. 1, **3(h)(viii)(bb)**

Seed not finally certified, harvested in [^{F3}a][^{F4}European Single Market State]

17.—(1) [^{F5}Before the end of the period of two years beginning with the day on which exit day falls,] seed [^{F6}of cereal, vegetable, beet or oil and fibre plant]—

- (a) that has been produced—
 - (i) directly from basic seed or certified seed of the first generation officially certified [^{F7}in a European Single Market State or a country granted equivalence]; or
 - (ii) from the crossing of basic seed certified in a [^{F4}European Single Market State] with basic seed certified in [^{F8}a country granted equivalence]; and
- (b) that has been harvested in [^{F9}a][^{F4}European Single Market State];

may be certified if that seed has undergone field inspection for that category of seed and if official examination has shown that the conditions for seed of that category are satisfied.

(2) Where the seed has been produced directly from officially certified seed of generations prior to basic seed, it may be certified as basic seed if the conditions laid down for that category are satisfied.

(3) It must be labelled with a grey label bearing the following information—

- (a) the authority responsible for field inspection and the name or initials of the [^{F10}country];
- (b) the officially assigned serial number;
- (c) the species, indicated at least under its botanical name, which may be given in abridged form and without the author's names;

- (d) the variety (in the case of inbred lines and hybrids intended solely as components for hybrid varieties, the word ‘component’ must be added);
 - (e) the category;
 - (f) in the case of hybrid varieties, the word “hybrid”;
 - (g) the declared net or gross weight;
 - (h) the words “seed not finally certified”.
- (4) It must be accompanied by an official document stating—
- (a) the authority issuing the document;
 - (b) the officially assigned serial number;
 - (c) the species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names;
 - (d) the variety;
 - (e) the category;
 - (f) the reference number of the seed used to sow the field and name of the country that certified that seed;
 - (g) the reference number of the seed lot or field;
 - (h) the area cultivated for the production of the seed lot covered by the document;
 - (i) the quantity of seed harvested and number of packages;
 - (j) the number of generations after basic seed, in the case of certified seed;
 - (k) an attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled; and
 - (l) where appropriate, the results of a preliminary seed analysis.

Textual Amendments

- F3** Word in Sch. 4 para. 17 heading substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), **52(I)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Sch. 3Sch. 4 substituted (7.1.2019) by The Pesticides, Genetically Modified Organisms and Fertilisers (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/188), regs. 1(1), **12(3)**
- F5** Words in Sch. 4 para. 17(1) inserted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), **52(I)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Sch. 4 para. 17(1) inserted (31.12.2020) by The Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/319), regs. 1, **3(h)(ix)(aa)**
- F7** Words in Sch. 4 para. 17(1)(a)(i) substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), **52(I)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Sch. 4 para. 17(1)(a)(ii) substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), **52(I)(ii)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in Sch. 4 para. 17(1)(b) substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), **52(I)(ii)(dd)**; 2020 c. 1, Sch. 5 para. 1(1)

F10 Word in Sch. 4 para. 17(3)(a) substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), **52(1)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

Seed not finally certified, harvested in a ^{F11}country that has been granted equivalence]

18.—(1) Seed harvested in a ^{F12}country that has been granted equivalence] may be certified if—

- (a) it has been produced directly from—
 - (i) basic seed or certified seed of the first generation certified either in a ^{F14}European Single Market State] or in a ^{F13}country that has been granted equivalence]; or
 - ^{F14}(ii) the crossing of basic seed officially certified in the United Kingdom or a Crown Dependency (provided such seed has been produced under legislation recognised by the Department to have equivalent effect to these Regulations) with basic seed certified in a country granted equivalence;]
- (b) it has undergone field inspection in accordance with Council Decision 2003/17/EC (on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries);
- (c) examination has shown that the conditions for seed of that category are satisfied; and
- (d) it is accompanied by a certificate from the competent authority of the country of origin certifying its status.

(2) The label must be grey.

Textual Amendments

- F4** Words in Sch. 3Sch. 4 substituted (7.1.2019) by The Pesticides, Genetically Modified Organisms and Fertilisers (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/188), regs. 1(1), **12(3)**
- F11** Words in Sch. 4 para. 18 heading substituted (31.12.2020) by The Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/319), regs. 1, **3(h)(x)(aa)**
- F12** Words in Sch. 4 para. 18(1) substituted (31.12.2020) by The Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/319), regs. 1, **3(h)(x)(aa)**
- F13** Words in Sch. 4 para. 18(1)(a)(i) substituted (31.12.2020) by The Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/319), regs. 1, **3(h)(x)(bb)**
- F14** Sch. 4 para. 18(1)(a)(ii) substituted (31.12.2020) by The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), **52(m)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

Marketing extensions

19. The Department may grant a marketing extension allowing an extended period for the certification and marketing of seed of a variety that has been deleted from the ^{F15}NI Variety List^{F16}....

Textual Amendments

- F15** Words in Sch. 4 para. 19 substituted (31.12.2020) by The Seeds (Variety Lists) Regulations (Northern Ireland) 2020 (S.R. 2020/302), regs. 1, **26(1)(e)(i)**

Changes to legislation: There are currently no known outstanding effects for the The Seed Marketing Regulations (Northern Ireland) 2016, PART 3. (See end of Document for details)

F16 Words in Sch. 4 para. 19 omitted (31.12.2020) by virtue of The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211), regs. 1(1), **52(n)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F17} Interpretation

20. For the purposes of this Schedule, “country that has been granted equivalence” means a country that has been granted equivalence under Council [Decision 2003/17/EC](#) on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries.]

Textual Amendments

F17 Sch. 4 para. 20 inserted (31.12.2020) by The Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/319), regs. 1, **3(h)(xi)**

Changes to legislation:

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