

1973 No. 944

SEEDS

The Forest Reproductive Material Regulations 1973

<i>Made</i> - - - -	22nd May 1973
<i>Laid before Parliament</i>	7th June 1973
<i>Coming into Operation</i>	1st July 1973 (subject to regulation 1(3))

The Minister of Agriculture, Fisheries and Food, and the Secretary of State for Scotland, in exercise of the powers vested in them by section 7(1) of the Seeds Act 1920(a), and after consultation with the Forestry Commissioners and with representatives of the interests concerned, and the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers vested in them by subsections (1), (1A), (2), (3), (4) and (8) of section 16 of the Plant Varieties and Seeds Act 1964(b) as amended by section 4(1) of, and subparagraphs (1), (2), (3), (4) and (5) of paragraph 5 of Schedule 4 to, the European Communities Act 1972(c), and all other powers enabling them in that behalf, after consultation with the Council on Tribunals and with representatives of such interests as appear to them to be concerned, hereby make the following regulations:—

PART I

GENERAL

Citation and commencement

1.—(1) These regulations may be cited as the Forest Reproductive Material Regulations 1973.

(2) These regulations, except the regulations mentioned in paragraph (3) of this regulation to the extent of the application of those regulations as therein specified, shall come into operation on 1st July 1973.

(3) Regulations 10, 11, 12, and 13(1)(a),—

(a) in so far as they apply to seed and cones of such of the genera and species listed in Schedule 1 as are coniferous collected before 1st July 1973, shall come into operation on 1st July 1975; and

(b) in so far as they apply to young plants raised from seed collected, or parts of plants taken, before 1st July 1973, shall come into operation on 1st July 1977.

Restriction of the Seeds Regulations 1961 and of the Seeds (Scotland) Regulations 1961.

2. The Seeds Regulations 1961(d) shall cease to have effect in relation to the forest tree seeds specified in Part I of the First Schedule thereto, and the Seeds (Scotland) Regulations 1961(e) shall cease to have effect in relation to the forest tree seeds specified in Part I of the First Schedule thereto.

(a) 1920 c. 54.

(c) 1972 c. 68.

(e) S.I. 1961/274 (1961 I, p. 446).

(b) 1964 c. 14.

(d) S.I. 1961/212 (1961 I, p. 362).

Interpretation

3.—(1) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires,—

“the Act” means the Plant Varieties and Seeds Act 1964 as amended by section 43 of, and Schedule 7 to, the Agriculture (Miscellaneous Provisions) Act 1968(b) and section 4(1) of, and paragraph 5 of Schedule 4 to, the European Communities Act 1972;

“basic material” means—

(a) in relation to forest reproductive material produced by sexual means, stands of trees and conservation seed orchards, and

(b) in relation to forest reproductive material produced by vegetative means, clones;

“Commissioners” means Forestry Commissioners;

“cones” means cones containing seed;

“conservation seed orchard” means an orchard raised artificially from one or more officially approved stands of trees in the same region of provenance and intended for the production of seed;

“forest reproductive material” means—

(a) seed and cones intended for the production of plants,

(b) parts of plants intended for the production of plants, and

(c) young plants raised from seed or from parts of plants, natural seedlings and sets,

derived from basic material of the genera and species specified in Schedule 1;

“marketing” means exposure for sale, offer for sale, sale or delivery, and “marketed” shall be construed accordingly;

“Member State” means a state, other than the United Kingdom, which is a member of the European Communities;

“National Register” means the National Register of Basic Material for the Production of Forest Reproductive Material established in accordance with regulation 5;

“official testing station” means the official testing station for forest reproductive material in Great Britain established by the Commissioners;

“origin” means the place in which an indigenous stand of trees is growing, or the place from which a non-indigenous stand was originally introduced;

“parts of plants” means cuttings, layers and scions;

“percentage of germination” means the percentage by number of pure seed which in the course of a germination test produce seedlings which have developed structures which indicate the ability to produce mature plants under favourable conditions in the field;

“percentage of purity” means the percentage by weight of pure seed as ascertained in a seed test;

“provenance” means the place in which any stand of trees, whether indigenous or non-indigenous, is growing;

“pure seed” means whole seeds of the kind which the seed purport to be (including any such seeds which are immature, shrivelled, sprouted, cracked, insect-damaged, diseased or otherwise injured provided they can be definitely

(a) 1889 c. 63.

(b) 1968 c. 34.

identified as the species under consideration) and pieces of such seeds larger than one-half of the original size of the whole seed but excluding, in the case of conifers, seeds and pieces of seeds from which the seed coat is entirely removed;

“region of provenance” means—

(a) for a species, a sub-species or distinct variety, the area or group of areas subject to sufficiently uniform ecological conditions in which are found stands whose genetic or morphological characteristics are similar and of equal value for the production of wood, and

(b) for a conservation seed orchard, the region of provenance of the basic material used for the creation of the orchard;

“seed” includes fruits;

“Test Certificate” means a test certificate issued under regulation 8;

“the Tribunal” means the Plant Varieties and Seeds Tribunal established by section 10 of, and Schedule 4 to, the Act.

(3) Any references in these regulations to a numbered regulation or a schedule are references to the regulation or schedule so numbered in these regulations.

Application

4.—(1) These regulations shall not apply to—

(a) seed or cones collected or marketed for export to countries other than Member States; or

(b) parts of plants or young plants taken, raised or marketed for purposes other than the production of wood.

(2) Regulations 10, 11, 12 and 13(1)(a) shall not apply to parts of plants or young plants taken, raised or marketed for export to countries other than Member States.

PART II

REGISTRATION OF BASIC MATERIAL, TESTING OF SEED AND DELINEATION OF REGIONS OF PROVENANCE

National Register of Basic Material

5.—(1) The Commissioners shall establish and maintain an official register of basic material in Great Britain to be known as the National Register of Basic Material for the Production of Forest Reproductive Material (hereafter in these regulations referred to as “the National Register”) which shall be kept at the Commissioners’ principal office and in which shall be recorded the particulars of such basic material as may be approved and accepted by the Commissioners for registration.

(2) A copy of the National Register shall be held at the official testing station, and at every Forestry Commission Conservancy Office in Great Britain.

(3) The Commissioners shall provide reasonable facilities for inspecting the National Register and each of the copies thereof mentioned in paragraph (2) of this regulation, and for taking copies of and extracts from them.

Registration of basic material

6.—(1) An owner of basic material seeking approval and registration thereof in the National Register shall apply in writing to the Commissioners who, upon

receiving payment of their fee for their services in connection with such application, shall arrange for an inspection of the basic material to be made by a Forestry Commission officer.

(2) The Commissioners shall not approve basic material for registration unless they are satisfied, having regard to the inspecting officer's report and to the criteria set out in Schedule 2, that its qualities are such as to make it suitable for reproductive purposes and that it has no characteristics undesirable for the production of wood.

(3) If the basic material inspected is approved for registration the Commissioners shall register it in the National Register.

(4) The Commissioners may at any time remove basic material from the National Register if they are satisfied that it should be so removed having regard to the matters mentioned in paragraph (2) of this regulation.

Appeals against refusal to register or removal from the National Register

7.—(1) Where the Commissioners propose to make a decision

- (a) to refuse to register basic material submitted for registration, or
- (b) to remove basic material from the National Register,

the Commissioners shall give to the owner of the basic material notice of the proposal together with the reasons for it; and the owner may, within 28 days from the day on which the notice is given, submit to the Commissioners representations in writing or a written request to be permitted to appear before them to make oral representations with respect to the proposal.

(2) Where, within the period specified in paragraph (1) above, the owner of the basic material shall request permission to make oral representations, the Commissioners shall give him an opportunity to be heard either in person or by any person authorised by him in that behalf.

(3) The Commissioners shall not decide to refuse to register the basic material submitted for registration or, as the case may be, to remove the basic material from the National Register until after the expiration of the said period and, before deciding whether or not to do so, shall consider any representations made to them by or on behalf of the owner of the basic material.

(4) For the purpose of making a decision in any such case a quorum of the Commissioners shall be one Commissioner, and the procedure to be followed at an oral hearing before the Commissioners shall be such as the Commissioners may direct.

(5) Where the Commissioners decide to refuse to register basic material submitted for registration or to remove basic material from the National Register, they shall notify the owner accordingly and shall at the same time furnish a statement of their reasons for the decision.

(6) An appeal shall lie to the Tribunal from any decision of the Commissioners as to a matter mentioned in paragraph (1) of this regulation.

(7) Where an appeal is brought against a decision of the Commissioners under the foregoing provisions of this regulation, the operation of such decision shall be suspended pending the final determination of the appeal; and the Commissioners shall take such steps as may be necessary to give effect to any decision given on the final determination of an appeal.

Seed testing

8.—(1) Seed testing in Great Britain for the purposes of these regulations shall be carried out at the official testing station.

(2) An application for a seed test and Test Certificate shall be made in accordance with the procedure laid down in Part I of Schedule 3 and shall be accompanied by a sample representative of the bulk of the seed to which the application relates and by the fee charged by the Commissioners for their services in connection with the application.

(3) A sample of the seed to which the application relates shall be taken in accordance with the rules laid down in Part II of Schedule 3.

(4) If the test made as a result of the application establishes that the sample sent therewith satisfies the conditions specified in Part III of Schedule 3 the officer in charge of the official testing station shall, on behalf of the Commissioners, issue to the applicant a Test Certificate in the form set out in Part IV of Schedule 3.

Map of Regions of Provenance

9.—(1) The Commissioners shall prepare a map of the regions of provenance of forest reproductive material in Great Britain delineating their boundaries by reference to boundaries of local government areas or geographic or altitudinal features.

(2) The map shall be held at the Commissioners' principal office, and a copy thereof shall be kept at the official testing station and at every Forestry Commission Conservancy Office in Great Britain; and the Commissioners shall provide reasonable facilities for inspecting the said map and the said copies thereof, and for taking copies of and extracts from them.

(3) The Commissioners may from time to time alter the map so as to show any change which has occurred to any of the boundaries of the regions of provenance, and the said copies thereof shall be altered accordingly.

PART III**MARKETING OF FOREST REPRODUCTIVE MATERIAL***Collection and taking of forest reproductive material*

10.—(1) Except in the case of forest reproductive material authorised for marketing under regulation 13(2), no seed or cones shall be collected, and no parts of plants shall be taken, for the purpose of marketing unless they are derived from basic material which has been approved by the Commissioners and registered by them in the National Register.

(2) Any person proposing to collect seed or cones or to take parts of plants for the purpose of marketing shall inform the Commissioners of the proposed collection or taking at least 28 days before the date on which the collection or taking is to commence stating—

- (a) his name, his address and (if any) his telephone number,
- (b) the place of collection or of taking, and
- (c) the proposed date of commencement, and the approximate date of completion, of the collection or taking.

(3) On completion of the collection of any lot of seed or of the taking of any lot of parts of plants the owner thereof shall inform the Commissioners in writing

of the kind and the quantity of seed collected or of parts of plants taken, and the Commissioners shall,—

- (a) if satisfied that the seed or parts of plants are derived from basic material approved and registered in accordance with regulation 6, issue to the owner in respect of the lot a Master Certificate of Provenance or Clonal Identity in the form set out in Schedule 4, or
- (b) if the seed or parts of plants have been authorised for marketing under regulation 13(2), issue to the owner in respect of the lot a certificate of provenance or clonal identity in the form set out in Schedule 8, or in a form to the like effect.

(4) On completion of the collection of any lot of cones the owner thereof shall inform the Commissioners in writing of the quantity of cones collected, and on completion of extraction of seed therefrom the owner of the seed shall inform the Commissioners in writing of the kind and the quantity of seed extracted, and the Commissioners shall,—

- (a) if satisfied that the seed is derived from basic material approved and registered in accordance with regulation 6, issue to the owner in respect of the seed extracted from the lot a Master Certificate of Provenance in the form set out in Schedule 4, or
- (b) if the seed has been authorised for marketing under regulation 13(2), issue to the owner in respect of the seed extracted from the lot a certificate of provenance in the form set out in Schedule 8, or in a form to the like effect.

Identification criteria

11.—(1) Forest reproductive material shall during collection, taking, extraction, processing, storage, transportation and raising, for the purpose of marketing, and while being marketed, be kept by the person in possession thereof in separate lots distinguished from each other by reference to the following criteria (hereafter in this regulation referred to as the “identification criteria”), namely,—

- (a) the genus and species, the sub-species (if any) and the variety (if any) to which it belongs;
- (b) in the case of forest reproductive material produced by vegetative means, its clone;
- (c) in the case of forest reproductive material produced by sexual means, its region of provenance;
- (d) in the case of forest reproductive material which, although not derived from officially approved basic material, has been authorised for marketing under regulation 13(2), its place of provenance and the altitude of that place;
- (e) its origin: whether indigenous or non-indigenous;
- (f) in the case of seed, the year in which it shall have ripened; and
- (g) (i) in the case of seedlings, the length of time the seedlings have been in the seed bed, and also,
 - (ii) in the case of transplants, the length of time they have existed as seedlings and as transplants, respectively, and the number of times transplanted.

- (2) The person in possession of any such lot shall,—
- (a) if it is not marked as mentioned in this paragraph when it comes into his possession, mark it, and
 - (b) secure that until it leaves his possession it continues to be marked, with the particulars of the identification criteria relating to it, and such marking shall be effected in accordance with regulation 12.

Marking of forest reproductive material for the purposes of regulation 11

12. The marking of each lot of forest reproductive material required by regulation 11 to be marked shall be effected as follows, that is to say, there shall be indelibly marked in writing, printing, stencilling or by any other appropriate means—

- (a) where the lot is in a single bundle or sack or package or in a single container of any other kind whatsoever, the bundle, sack, package or container, or a label securely attached thereto;
- (b) where the lot comprises more than one bundle or sack or package or container, either—
 - (i) each bundle or sack or package or container or a label securely attached thereto, or
 - (ii) a notice displayed in such a manner that it shall be readily observable and be unequivocally associated with the lot; and
- (c) where the lot is not in a bundle or sack or package or other container, a notice displaying the mark in such a manner that it shall be both readily observable and unequivocally associated with the lot.

Marketing of forest reproductive material

13.—(1) Except as provided by paragraph (2) of this regulation—

- (a) no forest reproductive material shall be marketed unless
 - (i) it is derived from basic material approved and registered by the Commissioners in accordance with regulation 6, or
 - (ii) it is derived from basic material officially approved and registered under the corresponding legislation of a Member State or Northern Ireland relating to forest reproductive material;
- (b) no seed shall be marketed—
 - (i) except under the description “EEC Standard”;
 - (ii) unless a Test Certificate in the form set out in Part IV of Schedule 3 has been issued in respect of it establishing that it complies with the conditions laid down in Part III of Schedule 3, or, in the case of seed imported from a Member State or Northern Ireland it has been established by documentary evidence that it complies with the conditions laid down in Part III of Schedule 3;
 - (iii) except in a sealed package, the sealing device of which shall be such as shall become unserviceable when the package is opened; and
 - (iv) in any seed testing year unless either—
 - (aa) it has been officially tested and a Test Certificate issued in respect of it during the same seed testing year as that in which it is marketed, or
 - (bb) in the case of seed imported from a Member State or Northern Ireland, the seed has been tested for the purpose of giving the

results required to be given in a Test Certificate during the same seed testing year as that in which it is marketed, provided that seed marketed during August or September of any seed testing year shall be deemed to comply with the foregoing provisions of this subparagraph if the seed was tested in any of the months of the preceding seed testing year other than the month of August.

(2) Any forest reproductive material, the marketing of which is prohibited under paragraph (1) of this regulation may, if the Commissioners so authorise by licence in writing, be marketed during such period or periods and subject to such conditions as the Commissioners may prescribe or impose.

(3) No parts of plants shall be marketed under the description "EEC Standard" unless they comply with the conditions set out in Schedule 5.

(4) No young plants shall be marketed under the description "EEC Standard" unless they comply with the conditions set out in Schedule 6.

(5) Paragraph (1)(a) of this regulation shall not apply to reproductive material intended for use in tests or for scientific purposes or for selection work, and paragraph (1)(b) of this regulation shall not apply to seed intended for use in tests or for scientific purposes.

(6) In this regulation "seed testing year" means the period beginning with the 1st day of August in any calendar year and ending with the 31st day of July in the next calendar year.

Supplier's Certificate

14.—(1) A person who sells any lot of forest reproductive material shall at the time of sale or delivery of the lot or within a reasonable period thereafter furnish to the buyer a supplier's certificate relating to that lot.

(2) Subject to paragraph (3) of this regulation, a supplier's certificate, for the purpose of this regulation, means a document in writing giving the particulars specified in Part I of Schedule 7 and, in addition,—

- (a) in the case of seed, the particulars specified in Part II of Schedule 7, or
- (b) in the case of young plants or parts of plants sold or delivered under the description "EEC Standard", the particulars specified in Part III of Schedule 7.

(3) It shall not be necessary for a supplier's certificate—

- (a) in relation to parts of plants or young plants taken, raised or marketed for export to countries other than Member States, to give the particulars specified in items 1, 5, 6, 7, 8, 9 and 10 of Part I of Schedule 7;
- (b) in relation to seed or cones of such of the genera and species listed in Schedule 1 as are coniferous collected before 1st July 1973, to give the particulars referred to in subparagraph (a) of this paragraph until 1st July 1975; or
- (c) in relation to young plants raised from seed collected, or parts of plants taken, before 1st July 1973, to give the particulars referred to in the said subparagraph (a) until 1st July 1977.

(4) The particulars required to be furnished in a supplier's certificate relating to seed shall, in relation to items 3, 4, 5 and 6 of Part II of Schedule 7,—

- (a) in the case of seed imported from a Member State or Northern Ireland,

- correspond to the relevant information set out in a test certificate, a supplier's certificate or an equivalent document relating to that seed, or
- (b) in the case of any other seed, correspond to the test results declared in the Test Certificate relating to that seed.

PART IV

IMPORTATION OF FOREST REPRODUCTIVE MATERIAL

Importation of forest reproductive material from Member States

15. Forest reproductive material shall not be imported into Great Britain from a Member State unless accompanied by an official certificate of provenance or clonal identity issued by a competent authority of that State in the form set out in Schedule 8, or in a form to the like effect, which shall be produced by the importer or consignee to the proper officer of Customs and Excise at the time of importation.

Importation from countries not being Member States

16.—(1) Forest reproductive material shall not be imported into Great Britain from a country which is not a Member State unless—

- (a) it is accompanied by an official certificate of provenance or clonal identity issued by a competent authority of that State in the form set out in Schedule 8, or a form to the like effect, and
- (b) an import licence in respect of it has been issued by the Commissioners, and
- (c) both the said certificate and the said import licence are produced by the importer or consignee to the proper officer of Customs and Excise at the time of importation.

(2) An application for an import licence shall be made to the Commissioners, who may grant the licence, grant it subject to conditions, or refuse it.

PART V

MISCELLANEOUS

Keeping and retention of records

17. Any person concerned in the collection, taking, extraction, processing, storage, transportation, raising or marketing of forest reproductive material shall

- (a) keep or cause to be kept, if so required by a notice in writing served on him by the Commissioners, such records relating to those activities and in such form as may be specified in the said notice, and shall retain or cause to be retained all such records for the period of time specified in the said notice, and
- (b) furnish to the Commissioners on request such information relating to those records as they may require.

Production of records

18. Any person concerned in the collection, taking, extraction, processing, storage, transportation, raising or marketing of forest reproductive material shall on request produce to an authorised officer of the Commissioners, and allow the officer to take copies of,—

- (a) records kept by him or on his behalf in pursuance of regulation 17,

- (b) certificates or licences issued to him under these regulations, and copies in his possession of such certificates or licences the originals of which have been issued to other persons, and
- (c) books or records (other than those kept in pursuance of regulation 17) in his possession or control relating to those activities.

Sampling

19.—(1) A sample of seed to be taken by an authorised officer of the Commissioners in exercise of the powers conferred by section 25(5) of the Act for the purposes of enforcement of these regulations shall be taken in accordance with the rules laid down in Part II of Schedule 3.

(2) A sample of seed taken by an authorised officer shall be divided by him into four parts, of which one part shall be delivered or sent by him to the owner of the seed or his representative, two parts shall be delivered or sent to the officer in charge of the official testing station, and the remaining part shall be retained by the authorised officer and be available for production to a court in accordance with section 26(7) of the Act.

(3) A certificate of the result of a test of a sample of seed taken by an authorised officer for the purposes of Part II of the Act shall be in the form set out in Schedule 9.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

21st May 1973.

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

22nd May 1973.

Gordon Campbell,
Secretary of State for Scotland.

22nd May 1973.

Peter Thomas,
Secretary of State for Wales.

SCHEDULE 1

Regulation 3(2).

Forest Reproductive Material to which these Regulations apply

1. Reproductive material derived from:

<i>English Name</i>	<i>Botanical Name</i>	<i>Synonym</i>
Silver fir	<i>Abies alba</i> Mill.	<i>Abies pectinata</i> D C
Beech	<i>Fagus sylvatica</i> L.	
European larch	<i>Larix decidua</i> Mill.	
Japanese larch	<i>Larix leptolepis</i> (Sieb. & Zucc.) Gord.	
Norway spruce	<i>Picea abies</i> Karst.	<i>Picea excelsa</i> Link
Sitka spruce	<i>Picea sitchensis</i> Trautv. et Mey.	<i>Picea menziesii</i> Carr.
Austrian and Corsican pine	<i>Pinus nigra</i> Arn.	<i>Pinus laricio</i> Poir.
Scots pine	<i>Pinus sylvestris</i> L.	
Weymouth pine	<i>Pinus strobus</i> L.	
Douglas fir	<i>Pseudotsuga taxifolia</i> (Poir.) Britt.	<i>Pseudotsuga douglasii</i> Carr. <i>Pseudotsuga menziesii</i> (Mirb.) Franco
Red Oak	<i>Quercus borealis</i> Michx.	<i>Quercus rubra</i> Du Roi
Pedunculate oak	<i>Quercus pedunculata</i> Ehrh.	<i>Quercus robur</i> L.
Sessile oak	<i>Quercus sessiliflora</i> Sal.	<i>Quercus petraea</i> Liebl.

2. Vegetative reproductive material derived from:

Poplar	<i>Populus</i> species	
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SCHEDULE 2

Regulation 6.

Criteria for the Approval of Basic Material

A. *Stands*

1. Location—Stands shall be situated at a sufficient distance from poor stands of the same species or from stands of a related species which can form hybrids with the species in question.
2. Uniformity—Stands shall show no more than a normal degree of individual variation in respect of morphological characteristics.
3. Volume production—Where volume production is an essential criterion for approval it must be superior to the accepted mean under similar ecological conditions.
4. Wood quality—The quality of wood shall be taken into account and may in certain circumstances be an essential criterion.
5. Morphology—Stands must show particularly good morphological features, especially in respect of stem straightness, branch habit, branch size and natural pruning.
6. Health—Stands shall be generally healthy and show maximum resistance to harmful organisms and to adverse external conditions.
7. Effective size of population—Stands shall consist of a sufficient number of trees to ensure adequate interpollination and avoid the unfavourable effects of inbreeding.

8. **Age**—Stands shall consist of trees of such an age that the above criteria can be clearly judged.

B. Conservation Seed Orchards

Conservation seed orchards shall be established in a manner that will ensure that the seed collected will represent at least the average genetic quality of the basic material forming the seed orchard.

C. Clones

1. Items 3, 4, 5, 6 and 8 of Part A shall apply in so far as they are appropriate.
2. Clones must be identifiable by distinctive characteristics.
3. The value of clones shall be established by experience or be demonstrated by sufficiently prolonged tests.

Regulations 8,
13(1) and 19(1).

SCHEDULE 3

Seed Testing

Regulation 8.

PART I

Procedure for Applying for a Seed Test

1. Applications for a seed test shall be made in writing to the officer in charge of the official testing station at the Forestry Commission Research Station, Alice Holt Lodge, Wrecclesham, Farnham, Surrey.
2. The sample of the seed to be tested shall be enclosed in one of the standard seed envelopes obtainable from the official testing station or in an envelope of a similar kind and having an equivalent durability, which envelope shall be packed in a protective outer cover to prevent damage during transit.
3. The following particulars shall be written on the outside of the seed envelope:—
 - (i) Full name and address of sender.
 - (ii) Date of sampling.
 - (iii) Species, and sub-species (if any) and variety (if any) of the seed.
 - (iv) Stock number or reference.
 - (v) Quantity of seed represented by the sample.
 - (vi) The number of the master or other certificate of provenance (if any).
 - (vii) A statement as to whether or not the seed is or has been kept in cold storage.

Regulations 8 and 19(1).

PART II

Rules for the Sampling of Seed

A. Sampling Procedure

1. Prior to sampling a seed lot shall be well mixed so as to be as uniform among its parts as is practicable.
2. When the seed lot is in sacks or containers of similar size the number of sacks or containers to be sampled shall be in accordance with the following table:—

<i>No. of sacks or other containers</i>	<i>Minimum No. of sacks or other containers to be sampled</i>
1—5 (inclusive)	Sample each container
6—30 (inclusive)	Sample at least 1 in every 3 containers, but never less than 5.
31 or more	Sample at least 1 in every 5 containers but never less than 10.

3. The samples shall be taken in the following manner:—

(a) Seed in full sacks or other containers:

The sampled sacks or other containers shall be chosen at random and in all cases seed shall be taken from the top, middle and bottom of each selected sack or container.

Wherever practicable seed in sacks or other containers shall be sampled with a stick trier designed for the kind of seed of which and size of container from which the sample is being taken, and of sufficient length to reach beyond the middle of the sack when inserted from the side.

The trier shall consist of a hollow metal tube inside a closely-fitting outer shell or sleeve which has a solid pointed end. Internally the tube shall be divided by transverse partitions into a number of compartments, and the tube and sleeve shall have open slots in their walls so arranged that when the tube is turned until the slots in the tube and sleeve are in line, seed can flow into the compartments of the tube and when the sleeve is turned the openings are closed. The closed trier should be inserted diagonally across the container, opened and gently agitated so that its compartments fill with seed, then closed carefully to avoid damage to the seed, and withdrawn and emptied. When it is not practicable to use a stick trier portions may be taken by hand, care being taken to keep the fingers tightly closed about the seed so that none may escape as the hand is withdrawn.

If necessary, in order to reach the lower levels, parts of the contents shall be emptied into another sack or other container.

(b) Seed in a partly filled sack or other container:

The seed shall be thoroughly mixed by hand and small portions taken from at least five different positions.

(c) Seed in bulk:

Portions of seed shall be taken with a stick sampler or by hand from at least the number of positions indicated in the following table:—

<i>Size of bulk</i>	<i>Number of positions to be sampled</i>
Up to 50 kg	Not less than 3
51 to 1500 kg	Not less than 5
1501 to 3000 kg	At least 1 for each 300 kg
over 3000 kg	Not less than 10

Samples shall be taken at random so that portions are taken from different depths.

(d) Seed in a cleaning, mixing or dressing machine:

Portions of seed shall be drawn during the cleaning, mixing or dressing process so that the entire cross section of the seed stream is uniformly sampled at regular intervals throughout the whole of the process. The frequency shall be at least as indicated in the following table:—

<i>Size of lot</i>	<i>Number of times to be sampled</i>
Up to 50 kg	Not less than 3
51 to 1500 kg	Not less than 5
1501 to 3000 kg	At least 1 for each 300 kg
Over 3000 kg	Not less than 10

4. When individual portions taken from the bulk together exceed the amounts required, they shall be put together in a clean receptacle and well mixed. Where the aggregate sample so obtained exceeds the amount required it shall be reduced by using an efficient mechanical seed divider or by employing the "halving method", that is to say by dividing the aggregate sample into two equal parts, rejecting one of them, and so on in this manner until the amount required is attained.

B. Minimum Weights of or Number of Seeds in Samples to be Submitted for Testing and Maximum Weights of or Number of Seeds in Lots Sampled

The minimum weights or numbers of seeds to be submitted for testing and the maximum weights of or the maximum number of seeds in lots sampled shall be as set out in the table which follows:—

Species	Minimum sample weight (gm)	Maximum lot weight (kg)
(a) <i>Abies alba</i> Mill. <i>Fagus sylvatica</i> L. <i>Larix decidua</i> Mill. <i>Larix leptolepis</i> (Sieb. & Zucc.) Gord. <i>Picea abies</i> Karst. <i>Picea sitchensis</i> Trautv. et Hey. <i>Pinus nigra</i> Arn. <i>Pinus sylvestris</i> L. <i>Pinus strobus</i> L. <i>Pseudotsuga taxifolia</i> (Poir.) Britt.	240 1000 25 25 25 25 80 40 90 60	1000
Species	Minimum number of seeds in sample	Maximum number of seeds in lots
(b) <i>Quercus borealis</i> Michx. <i>Quercus pedunculata</i> Ehrh. <i>Quercus sessiliflora</i> Sal.	500 500 500	5000

Regulations 8 and 13(1).

PART III

Conditions which Seed must Satisfy

1. Seed shall comply with the conditions as to maximum permitted percentage by weight of seed of other forest tree species set out in the following table:—

Species from which seed derived	Maximum permitted percentage by weight of seed of other forest tree species
<i>Abies alba</i> Mill.	0.1%
<i>Fagus sylvatica</i> L.	0.1%
<i>Larix decidua</i> Mill.	0.5% (or 1.0% of other <i>Larix</i> seed)
<i>Larix leptolepis</i> (Sieb. & Zucc.) Gord.	0.5% (or 1.0% of other <i>Larix</i> seed)
<i>Picea abies</i> Karst.	0.5%
<i>Picea sitchensis</i> Trautv. et Mey.	0.5%
<i>Pinus nigra</i> Arn.	0.5%
<i>Pinus sylvestris</i> L.	0.5%
<i>Pinus strobus</i> L.	0.5%
<i>Pseudotsuga taxifolia</i> (Poir.) Britt.	0.5%
<i>Quercus borealis</i> Michx.	0.1% (or 1% of other <i>Quercus</i> seed)
<i>Quercus pedunculata</i> Ehrh.	0.1% (or 1% of other <i>Quercus</i> seed)
<i>Quercus sessiliflora</i> Sal.	0.1% (or 1% of other <i>Quercus</i> seed)

2. Seed shall, as far as practicable, be free from harmful organisms which might reduce its quality.

PART IV Regulations 8 and 13(1).
Test Certificate

No.....

The Official Seed Testing Station for Forest Reproductive
Material for Great Britain

Forestry Commission Research Station
Alice Holt Lodge
Wrecclesham, Farnham, Surrey.

<i>Sender of Sample:</i>	Name:
	Address:
<i>Description of Sample:</i>	Species:
	Stock No. or reference:
	Quantity represented:
	Number of master or other certificate of provenance (if any):
	Date of sampling:
	Date received:

It is hereby certified that the results of the official test are as follows:-

1. Percentage by weight of seed of other forest species:
2. Other particulars:
 - (a) Percentage of purity:
 - (b) Percentage of germination:
 - (c) Number per kilogramme of live seeds capable of germinating:
 - (d) Weight of 1000 pure seeds in grammes:
3. Remarks:

Officer in Charge
Date

SCHEDULE 4 Regulation 10(3) and (4).

Master Certificate of Provenance⁽¹⁾

Master Certificate of Clonal Identity⁽¹⁾

Certificate No.....

This is to certify that the forest reproductive material listed below is correctly described and is approved for marketing in accordance with the Forest Reproductive Material Regulations 1973.

1. Type of Material: Seed/Young Plants/Parts of Plants⁽¹⁾:
2. Genus and species, sub-species, variety ⁽¹⁾:
 - (a) Common name:
 - (b) Botanical name:
3. Clone, for vegetative reproductive material⁽¹⁾:
4. Region of Provenance ⁽¹⁾:
5. Origin: Indigenous/Non-indigenous⁽¹⁾:
6. Year in which the seed shall have ripened⁽¹⁾:
7. Quantity of material:
8. Additional information ⁽¹⁾:

Signed:
(Authorised by the Forestry
Commission)

Address:

(Stamp of Forestry Commission)

Date:

Note:

(1) Delete words which do not apply

Regulation 13(3).

SCHEDULE 5

Conditions which Parts of Plants must satisfy

1. Lots shall include at least 95% of parts of plants of fair marketable quality.
2. Fair marketable quality shall be determined by reference to the criteria relating to general characteristics, health and, where appropriate size, set out in the two following paragraphs.
3. Populus species:
 - (1) General characteristics and health

Parts of plants shall not be considered to be of fair marketable quality if:

 - (a) the wood is unripe;
 - (b) the wood is more than two seasons old;
 - (c) they have abnormalities of form, such as forking, branching or excessive bending;
 - (d) they have less than two well-formed buds;
 - (e) they have not been severed with a clean cut;
 - (f) they are partly or totally dried out, injured or have the bark detached from the wood;
 - (g) they are affected by necroses or damage caused by harmful organisms;
 - (h) they have any other defects which reduce their value for reproductive purposes;

except that paragraphs (a), (b), (c) and (d) shall not apply to root cuttings and soft wood cuttings.
 - (2) Minimum dimensions of parts of the plants of the Aigeiros section, other than root cuttings and soft wood cuttings:
 - (a)—minimum length: 20 cm.
 - (b)—minimum top diameter:
 - 8 mm for those described as Class 1/EEC
 - 10 mm for those described as Class 2/EEC
4. Forest Species other than Populus:

General characteristics and health

Parts of plants shall not be considered to be of fair marketable quality if:

 - (a) they have abnormalities of form or insufficient vigour;
 - (b) they have not been severed by a clean cut;
 - (c) their age or size makes them unsuitable for propagation purposes;
 - (d) they are partially or totally dried out or show injury other than wounds incurred in the taking of cuttings;
 - (e) they are affected by necroses or are damaged by harmful organisms;
 - (f) they have any other defects which reduce their value for reproductive purposes.

NOTE: All these criteria shall be considered in relation to the species or clones in question.

SCHEDULE 6

Regulation 13(4).

Conditions which Young Plants must satisfy

1. Lots shall include at least 95% of young plants of fair marketable quality.
2. Fair marketable quality shall be determined by reference to the criteria relating to general characteristics, health, age and size, set out in paragraphs 3 and 4 below.
3. General characteristics and health

An asterisk in the following table shows for each genus and species in question the defects which prevent young plants from being classified as of fair marketable quality. All these criteria shall be considered in relation to the species or clone in question and to the suitability of the reproductive material for forestry purposes.

Defects which prevent young plants from being classed as of fair marketable quality	<i>Abies alba,</i> <i>Picea</i>	<i>Larix</i>	<i>Pinus</i>	<i>Pseudotsuga</i> <i>taxifolia</i>	<i>Fagus</i> <i>sylvatica,</i> <i>Quercus</i>	<i>Populus</i> sp
(a) young plants with unhealed wounds —except cutting wounds where excess leaders have been removed —except other such wounds incurred in the taking of cuttings —except branch wounds	*	*	*	*	*	*
(b) young plants partially or totally dried out	*	*	*	*	*	*
(c) stem showing considerable bending	*	*	*	*	*	*
(d) multiple stem	*	*	*	*	*	*
(e) stem with several leaders	*	*	*	*	*	*
(f) stem and branches incompletely ripened	*(1)		*(1)			*(2)
(g) stem without a healthy terminal bud	*(1)	*(1)	*(1)	*(1)		
(h) branching either absent or clearly insufficient	*		*	*		
(i) youngest needles so seriously damaged as to endanger the survival of the plant	*		*	*		
(k) damaged root collar ⁽⁴⁾	*	*	*	*	*	*(3)
(l) main roots seriously entwined or twisted ⁽⁴⁾	*	*	*	*	*	
(m) secondary roots either absent or severely cut	*	*	*	*	*(5)	
(n) young plants showing serious damage caused by harmful organisms	*	*	*	*	*	*
(o) young plants showing signs of heating, fermentation or mould following storage in the nursery.	*	*	*	*	*	*

(1) Except where the young plants were taken from the nursery during the first growing season.

(2) Not applicable to clones of *Populus deltoides angulata*.

(3) Not applicable to *Populus* plants butt trimmed in the nursery.

(4) Not applicable to sets.

(5) Not applicable to *Quercus borealis*.

4. Age and size

A. Species other than *Populus*

- (a) Criteria of age and size of young plants shall not apply to young plants which have not been transplanted.
- (b) Minimum standards for age and size are listed in the table below:

	Normal young plants			Stocky young plants		
	Max. age in years (See Note 1 below)	Height in cm (See Note 2 below)	Min. diameter of root collar (mm)	Max. age in years (See Note 1 below)	Height in cm (See Note 2 below)	Min. diameter of root collar (mm)
<i>Abies alba</i>	4	10-15	4	4	10-15	4
	5	15-25	5	4	15-20	5
	5	25-35	5	5	20-25	6
	5	35-45	6	5	25-35	7
	5	45-60	8	5	35-40	8
	—	60 and over	10	—	40 and over	10
<i>Larix</i>	2	20-35	4			
	3	35-50	5			
	4	50-65	6			
	4	65-80	7			
	5	80-90	8			
	5	90 and over	10			
<i>Picea abies</i>	3	15-25	4	4	15-20	4
	4	25-40	5	4	20-30	5
	5	40-55	6	5	30-40	6
	5	55-65	7	5	40-50	8
	5	65-80	9	5	50-60	9
	—	80 and over	10	—	60 and over	10
<i>Picea sitchensis</i>	3	20-30	4			
	4	30-50	5			
	4	50-65	6			
	5	65-75	8			
	5	75-85	9			
	—	85 and over	10			
<i>Pinus sylvestris</i>	2	6-15	3	2	6-10	3
	3	15-25	4	3	10-20	4
	3	25-35	5	3	20-30	5
	3	35-45	6	3	30-40	6
	4	45-55	7	4	40-50	7
			—	50 and over	8	
<i>Pinus nigra</i> (forma <i>austriaca</i>)	2	6-15	3	2	6-10	3
	3	15-25	4	3	10-20	4
	4	25-35	5	4	20-30	5
	4	35-45	6	4	30-40	6
	4	45-55	7	4	40-50	7
			—	50 and over	8	
<i>Pinus nigra</i> (other than forma <i>austriaca</i>)	2	5-10	3			
	3	10-20	4			
	3	20-30	5			
	4	30-40	6			
	4	40-50	7			
	—	50 and over	8			

	Normal young plants			Stocky young plants		
	Max. age in years (See Note 1 below)	Height in cm (See Note 2 below)	Min. diameter of root collar (mm)	Max. age in years (See Note 1 below)	Height in cm (See Note 2 below)	Min. diameter of root collar (mm)
<i>Pinus strobus</i>	2 3 4 4 5 5 5	6-10 10-20 20-30 30-40 40-50 50-60 60 and over	3 4 5 6 7 8 10			
<i>Pseudotsuga taxifolia</i>	2 3 3 4 4 4 4 4 —	20-25 25-30 30-40 40-50 50-60 60-70 70-80 80-100 100 and over	3 4 5 6 7 8 9 12 14	3 4 4 4 4 4 4 —	20-25 25-35 35-40 40-45 45-55 55-65 65-70 70 and over	4 5 6 6 7 8 9 12
<i>Fagus sylvatica, Quercus</i>	2 3 4 4 5 —	15-25 25-40 40-55 55-70 70-85 85 and over	4 5 6 7 9 11			

NOTES:

- Age: Age is expressed in complete years. Each growing season or part thereof shall count as a complete year. The growing season shall be considered as having begun:
 - in the case of plants with a terminal shoot not yet containing a dormant terminal bud, when this shoot is not less than one quarter of the length of the previous year's shoot.
 - in the case of young plants with a shorter terminal shoot, when this shoot contains a dormant bud.
- Height: Height shall be measured to within plus or minus 1 centimetre in the case of young plants not exceeding 30 centimetres in height, and to within plus or minus 2.5 centimetres in the case of young plants exceeding 30 centimetres in height.

B *Populus***(a) Age of young plants**

The maximum age shall be four years for the stem and, where appropriate, five years for the root.

(b) Size standards shall apply only to *Populus* plants of the *Aigeiros* section, and shall be as set out in the following table:

Age	Point of diameter measurement	EEC Classification Number	Diameter (mm)	Height (m)	
				min.	max.
0 + 1	0.50 m	N 1 a	6 to 8	1.00	1.50
		N 1 b	more than 8 but not more than 10	1.00	1.75
		N 1 c	more than 10 but not more than 12	1.00	2.00
		N 1 d	more than 12 but not more than 15	1.00	2.25
		N 1 e	more than 15 but not more than 20	1.00	2.50
		N 1 f	20	1.00	—
more than 1 year	1 m	N 2	more than 8 but not more than 10	1.75	2.50
		N 3	more than 10 but not more than 15	1.75	3.00
		N 4	more than 15 but not more than 20	1.75	3.50
		N 5	more than 20 but not more than 25	2.25	4.00
		N 6	more than 25 but not more than 30	2.25	4.75
		N 7	more than 30 but not more than 40	2.75	5.75
		N 8	more than 40 but not more than 50	2.75	6.75
		N 9	50	4.00	—

Regulation 14.

SCHEDULE 7**Particulars required in a Supplier's Certificate****PART I****Particulars to be furnished in every case**

1. The number of the Master Certificate, if any, or the number, if any, of the certificate of provenance or clonal identity and the name of the country issuing it.
2. Type of material, whether seed, cones, parts of plants or young plants.
3. Quantity of material being marketed.
4. Botanical name: genus and species.
5. Clone, in the case of vegetative material.
6.
 - (i) Region of provenance, in the case of material produced by sexual means from basic material registered in accordance with regulation 6 or otherwise officially approved for marketing within the Member States.
 - (ii) Place of provenance and its altitude, in the case of material produced by sexual means from basic material not registered in accordance with regulation 6 or otherwise officially approved within the Member States, but which has been authorised for marketing in accordance with regulation 13(2).
7. Origin: whether indigenous or non-indigenous.
8. If the forest reproductive material although not derived from officially approved basic material is authorised for marketing under regulation 13(2), a statement to that effect.
9. If derived from conservation seed orchards a statement that the reproductive material is so derived.

10. Length of time, if any, in the seed bed and in transplant lines and the number of times transplanted.

11. Name and address of the supplier.

PART II

Further particulars to be furnished in the case of seed

1. Number of Test Certificate (if any).
2. The description "EEC Standard", OR, where the seed does not comply with the conditions laid down in Part III of Schedule 3, and is authorised for marketing under regulation 13(2), a statement that it does not so comply.
3. Percentage of purity.
4. Percentage of germination.
5. Number per kilogramme of live seeds capable of germinating.
6. Weight of 1000 pure seeds in grammes.
7. Year in which the seed shall have ripened.
8. If the seed has been kept in cold storage, a statement to that effect.

PART III

Particulars to be furnished in the case of young plants and parts of plants

1. The description "EEC Standard".
2. EEC classification number, in the case of the genus *Populus*.
3. Location of nursery in which the young plants were raised during their last growing season.
4. Age, in the case of parts of plants of the genus *Populus* which have had more than one growing season.
5. The size of the young plants.

SCHEDULE 8 Regulations 15 and 16(1).

Certificate of Provenance⁽¹⁾

Certificate of Clonal Identity⁽¹⁾

..... Certificate No.....
(Country)

It is certified that the forest reproductive material described below has been controlled by the competent authority and that, according to the findings made and the documents submitted, it conforms to the information given below:

1. Type of material: Seed/parts of plants/young plants⁽¹⁾:
2. Genus and species, sub-species, variety, clone⁽¹⁾:
 - (a) Common name:
 - (b) Botanical name:
3. Region of provenance⁽¹⁾:
OR
Place of provenance and altitude⁽¹⁾(2):
4. Origin: whether indigenous or non-indigenous:
5. Year in which the seed shall have ripened⁽¹⁾:

6. Length of time in nursery seed bed and in transplant lines and number of times transplanted⁽¹⁾:
7. Quantity of material:
8. Number and nature of packages or bundles⁽³⁾:
9. Marking of packages or bundles⁽³⁾:
10. Additional information:

..... (Signature)
 (Stamp of Competent Authority) (Position or rank)
 (Place and date)

Notes:

- (1) Delete words which do not apply.
- (2) For forest reproductive material not derived from basic material officially approved within the European Communities.
- (3) Not required when certificate is issued under regulation 10(3)(b) or (4)(b).

Regulation 19(3).

SCHEDULE 9

Certificate of the Result of a Test of Seeds

PLANT VARIETIES AND SEEDS ACT 1964
 THE FOREST REPRODUCTIVE MATERIAL REGULATIONS 1973

REPORT
 OF THE
 OFFICIAL TESTING STATION FOR FOREST
 REPRODUCTIVE MATERIAL IN GREAT BRITAIN
 ON A SAMPLE TAKEN UNDER SECTION 25(5) OF THE ACT

on the premises of

Date received
 at station:

Name:

Address:

Date of sampling:
 Quantity of sample:

Quantity represented:
 Stock No. or reference:

Description of seed given by the person on whose premises the sample was taken
 Species: Country in which grown:
 Sub-species (if any): Number of test
 or variety (if any): certificate:

It is hereby certified that the results of the official test are as follows:—

1. Species:
2. Sub-species (if any) and variety (if any):
3. Percentage by weight of other forest species:
4. Percentage of purity:
5. Percentage of germination:
6. Number per kilogramme of live seeds capable of germination:
7. Weight of 1000 pure seeds in grammes:

Other particulars:

Remarks:

.....
 Officer in Charge

.....
 Date

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to Great Britain and are made under Part II of the Plant Varieties and Seeds Act 1964 as amended by the European Communities Act 1972, are concerned with forest reproduction material (seed, cones, parts of plants and young plants) of the genera and species of tree specified in Schedule 1.

The Regulations provide that forest reproductive material may not be marketed unless it is derived from basic material (stands of trees, seed orchards and clones) which has been approved and registered in Great Britain or in Northern Ireland or in another Member State of the European Communities, or has been authorised for marketing by the Forestry Commissioners. In addition they provide that seed may not (except with the authority of the Forestry Commissioners) be marketed other than under the description "EEC Standard" and unless it has been established, by a test in the official testing station in Great Britain or a test in Northern Ireland or another Member State, that it is of a certain standard. They also provide that young plants and parts of plants shall not be marketed under the description "EEC Standard" unless they satisfy certain conditions.

The Regulations further provide for the marking of forest reproductive material marketed or intended for marketing with certain particulars as to its nature and source, for the giving by sellers of supplier's certificates, for the controlling of importation, and for the keeping of records by persons trading in forest reproductive material. They also provide rules for the sampling of seed.

The Regulations do not apply to seed or cones to be exported to countries other than Member States, or to parts of plants or young plants intended for purposes other than the production of wood. Certain provisions do not apply to parts of plants or young plants to be exported to countries other than Member States.

Any contravention of these Regulations will be an offence under Part II of the Plant Varieties and Seeds Act 1964.

SI 1973/944
ISBN 0-11-030944-8

