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**1989 No. 1311**

**SEEDS**

**The Cereal Seeds (Amendment) Regulations 1989**

*Made - - - - - 26th July 1989*

*Laid before Parliament 11th August 1989*

*Coming into force 1st September 1989*

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 conferred by sections 16(1), (1A), (2), (3), (4) and (8), 36 and 38(1) of the Plant Varieties and Seeds Act 1964(a) and of all other powers enabling them in that behalf, after consultation in accordance with the said section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Cereal Seeds (Amendment) Regulations 1989 and shall come into force on 1st September 1989.

**Amendment**

2.—(1) The Cereal Seeds Regulations 1985(b) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3(3) (interpretation)—

- (a) in the definition of “Breeder’s Seed” after the words “spelt wheat” there shall be inserted “triticale”;
- (b) in sub-paragraph (b)(ii) of the definition of “Pre-basic Seed” after the words “spelt wheat” there shall be inserted “triticale”;
- (c) in the definition of “Basic Seed”—
  - (i) in sub-paragraph (a) for the words “and rye” there shall be substituted “rye and triticale, other than hybrids of rye and of triticale”;
  - (ii) after sub-paragraph (a) there shall be inserted the following sub-paragraph—
    - “(a1) seeds which are intended for the production of hybrids of oats, barley, wheat, durum wheat, spelt wheat and rye,
      - (i) which have been produced by or under the responsibility of the maintainer from Pre-basic Seed or, with the written authority of the Minister from Breeder’s Seed, and
      - (ii) which 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;”;

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(a) 1964 c.14; section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and paragraph 5(1), (2) and (3) of Schedule 4; section 38(1) (as amended by S.I. 1978/272) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.

(b) S.I. 1985/976, amended by S.I. 1987/1091.

- (d) in the definition of “Certified Seed” after the word “rye”, in both places where it occurs, there shall be inserted the words “and hybrids of oats, barley, wheat, durum wheat and spelt wheat”;
- (e) in the definition of “Certified Seed of the First Generation” for the words “and spelt wheat” there shall be substituted “spelt wheat and triticale”.
- (3) In regulation 5 (marketing of seeds) after paragraph 12 there shall be added the following paragraph—
- “(13) Seeds which have been produced and packaged in a Member State other than the United Kingdom, notwithstanding that they have not been officially certified as Certified Seed in that Member State, may be imported but shall not be marketed in the United Kingdom until they have been officially certified in the United Kingdom.”.
- (4) In Schedule 1 (kinds of seeds to which the regulations apply)—
- (a) after the entry of “*Secale cereale* L. (rye)” there shall be inserted—  
“x *Triticosecale* Wittm. Triticale”;
- (b) for the Latin name “*Zea mays* L.” there shall be substituted “*Zea mays* L. (partim)”.
- (5) In Schedule 4, Part I (conditions relating to crops from which seeds are obtained)—
- (a) in paragraph 5 after sub-paragraph (b) there shall be inserted the following sub-paragraph—
- “(c) For self-pollinating varieties of triticale the minimum distance from neighbouring crops or other varieties of triticale of a lower category shall be—
- (i) Crops to produce Pre-Basic Seed and Basic Seed .....50 metres
- (ii) Crops to produce Certified Seed .....20 metres.”;
- (b) for the table in paragraph 6 there shall be substituted the following table—

“6.

Crops to produce	Level	Varietal purity (excluding rye† and maize‡) percentage by number	Species purity (excluding rye and maize) percentage by number	Wild oats* maximum number per hectare				
				oats	barley	wheat, durum wheat and spelt wheat	rye and maize	triticale
Basic Seed	‡Higher Voluntary Standard	99.95	99.99	Nil	7	7	—	—
	Minimum standard	99.9	No standard	Nil	7	7	7	7
Certified Seed	—	—	—	—	—	—	50	—
Certified Seed of the First Generation	‡Higher Voluntary Standard	99.9	99.99	Nil	7	7	—	—
	Minimum Standard	99.7	No standard	Nil	20	50	—	50
Certified Seed of the Second Generation	‡Higher Voluntary Standard	99.7	99.99	Nil	7	7	—	—
	Minimum Standard	99.0	No standard	Nil	20	50	—	—

(6) In Schedule 4, Part II (conditions relating to the seeds) for the provisions relating to analytical purity there shall be substituted the following provisions—

“Analytical Purity (% by weight) Basic Seed (except triticale)	99	99
Basic Seed (triticale)	98	—
All other categories	98	99”

(7) In Schedule 5, Part I (sampling of seed lots) in paragraph 9 after “sampling device” the words “approved by the Minister” shall be deleted.

(8) In Schedule 6 (labelling) immediately after the heading “SCHEDULE 6” there shall be inserted the following—

“For the purposes of these Regulations the particulars prescribed in this Schedule 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”.

(9) In Schedule 6, Part I paragraph C(a) for item 11, there shall be substituted the following item—

- “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”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th July 1989.



*John MacGregor*  
Minister of Agriculture, Fisheries and Food

25th July 1989

*Sanderson of Bowden*  
Minister of State, Scottish Office

26th July 1989

*Peter Walker*  
Secretary of State for Wales

**EXPLANATORY NOTE**

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

In addition to some minor and drafting amendments, these Regulations, which further amend the Cereal Seeds Regulations 1985 implement article 3.20 of Council Directive 88/380/EEC (OJ No. L187, 16.7.88, p.31) insofar as it amends article 15 of Council Directive 66/402/EEC (OJ No. L125, 11.7.66, p.2309/66) (OJ/SE 1965-66, p.143) (as amended) on the marketing of cereal seed to the extent that seeds produced and packaged but not officially certified in another Member State may be imported into the United Kingdom but shall not be marketed in the United Kingdom until they have been officially certified by or on behalf of the Minister (regulation 2(3)).

Article 3 of Council Directive 88/380/EEC is implemented insofar as it amends article 2 and Annexes I, II and III of Council Directive 66/402/EEC by adding triticale and hybrids of oats, barley, wheat, durum wheat, spelt wheat and rye to the list of seeds to which the Regulations apply (regulation 2(2), (4), (5) and (6)).

Article 3.18 and 3.31-36 of Council Directive 88/380/EEC is implemented insofar as it amends article 14 and Annex IV of Council Directive 66/402/EEC by providing that the particulars relating to kind and variety of seed on official labels must be in roman characters and that the kind of seed must be designated by its Latin name (regulation 2(8)) and requiring the components of hybrid or inbred lines to be indicated on official labels (regulation 2(9)).

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