

1989 No. 1313

SEEDS

The Oil and Fibre Plant Seeds (Amendment)
Regulations 1989

<i>Made</i> - - - -	<i>26th July 1989</i>
<i>Laid before Parliament</i>	<i>11th August 1989</i>
<i>Coming into force</i>	<i>1st September 1989</i>

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 Oil and Fibre Plant Seeds (Amendment) Regulations 1989 and shall come into force on 1st September 1989.

Amendment

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

(2) In regulation 3 (interpretation)—

(a) in paragraph (3)—

(i) for the definition of “Basic Seed” there shall be substituted the following definition—

“ “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 Minister, 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 have been produced from Breeder’s

(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. 1985/977, amended by S.I. 1987/1097.

- Seed or Pre-basic Seed and 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;
- (c) seeds, in the case of single cross hybrids of sunflowers, 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.”;
- (ii) in the definition of “Commercial Seed” the words “brown mustard” shall be deleted;
- (b) in paragraph (4) for the words “regulation 5(1)(b), (c) or (d)” there shall be substituted “regulation 5(1)(b), (ii) or (iii)”;
- (c) after paragraph (4) there shall be added the following paragraph—
- “(5) In these Regulations, in relation to varieties, inbred lines and hybrids of sunflower—
- “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;
- “double cross hybrid” means the first generation of a cross between two single cross hybrids, 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.”.
- (3) In regulation 5 (marketing of seeds)—
- (a) for paragraph (1) there shall be substituted the following paragraph—
- “(1) Subject to the provisions of this regulation, no person shall 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 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) and (8) and which—
 - in the case of a small package of seeds, a small EEC A package of seeds or a small EEC B 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
 - (iii) 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 Ministers under the authority of this paragraph, which licence shall have effect during the period specified in it unless the Ministers earlier revoke it.”;
- (b) after paragraph (10) there shall be inserted the following paragraph—
- “(11) 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) For Schedule 1 (kinds of seeds to which the Regulations apply) there shall be substituted the following—

“SCHEDULE 1

Regulation 4(1)

KINDS OF SEEDS TO WHICH THE REGULATIONS APPLY

Latin Name	Common Name
<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

(5) In Schedule 4, Part I (conditions relating to crops from which seeds other than Commercial Seed are obtained)—

(a) in paragraph 7—

(i) after the words “black mustard” the word “sunflower” shall be deleted;

(ii) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(c) crops 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.”.

(b) In paragraph (8) (standards of varietal purity) after sub-paragraph (b) there shall be inserted the following sub-paragraphs—

“(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 hybrids 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 of 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 respects.”.

(6) In Schedule 4, Part II (conditions relating to Basic Seed etc.) in section A paragraph 1, after “specified in Part I” there shall be added the following—

“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.”.

(7) In Schedule 4, Part II in the table in section A paragraph 2—

—in column 9 opposite the entry for “Brassica species—Basic Seed” for “5” there shall be substituted “2”, and opposite the entry for “Brassica species—Certified Seed” for “20” there shall be substituted “5”;

—in column 9 opposite the entry for “White mustard—Basic Seed” for “5” there shall be substituted “2”, and opposite the entry for “White Mustard—Certified Seed” for “20” there shall be substituted “5”.

(8) In Schedule 5, Part I (sampling of seed lots)—

(a) in paragraph 9 after “sampling device” the words “approved by the Minister” shall be deleted;

(b) paragraph 15 (moisture samples) shall be deleted.

(9) 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.”.

(10) In Schedule 6, Part I paragraph C(a) after item 10 there shall be inserted 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”;

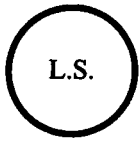
(b) for Basic Seed in other cases—

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

16th 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 Oil and Fibre Plant Seeds Regulations 1985, implement article 5 of Council Directive 88/380/EEC (OJ No. L187, 16.7.88, p.31) insofar as it amends article 2 and Annexes I and II of Council Directive 69/208/EEC (OJ No. L169, 10.7.69, p.3) (OJ/SE 1969(ii), p.315) (as amended) on marketing of seeds of oil and fibre plants to the extent that hybrids of sunflower are added to the list of seeds to which the Regulations apply (regulation 2(2), (4), (5) and (6)).

Article 2 of Commission Directive 86/109/EEC (OJ No. L93, 8.4.86, p.21) is implemented to the extent that brown mustard is deleted from the list of seeds to which the "Commercial Seed" category applied (regulation 2(2)).

Article 5.12 of Council Directive 88/380/EEC is implemented insofar as it amends article 14 of Council Directive 69/208/EEC 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 4 of Commission Directive 87/120/EEC (OJ No. L49, 18.2.87, p.39) is implemented insofar as it amends article 2 of Council Directive 69/208/EEC by amending the botanical names used to those recognised internationally (regulation 2(4)).

Article 2 of Commission Directive 87/480/EEC (OJ No. L273, 26.9.87, p.43) is implemented insofar as it amends Annex II of Council Directive 69/208/EEC to the extent that it improves the standards to be satisfied in respect of the maximum content of seed of *Rumex* spp (regulation 2(7)).

Article 5.10 and 5.19-23 of Council Directive 88/380/EEC is implemented insofar as it amends article 13 and Annex IV of Council Directive 69/208/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(9)) and requiring the components of hybrid or inbred lines to be indicated on official labels (regulation 2(10)).

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