
STATUTORY INSTRUMENTS

1993 No. 2005

The Cereal Seeds Regulations 1993

Title, extent and commencement

1. These Regulations may be cited as the Cereal Seeds Regulations 1993, shall apply to Great Britain and shall come into operation on 1st September 1993.

Revocation of previous regulations

2. The Cereal Seeds Regulations 1985(1), the Cereal Seeds (Amendment) Regulations 1987(2) and the Cereal Seeds (Amendment) Regulations 1989(3) are hereby revoked.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Plant Varieties and Seeds Act 1964;

“Common Catalogue” means the Common Catalogue of varieties of kinds of agricultural plants published in the Official Journal of the European Communities;

“Higher Voluntary Standard” means the standards for wheat, durum wheat, spelt wheat, barley and oats which—

(a) are higher than the minimum standards prescribed for Basic Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation, and

(b) are specified in Schedule 4,

being the standards and the level in respect of which an official certificate has been issued in accordance with Schedule 2;

“maintainer” means a person who is indicated in a National List or in the Common Catalogue as responsible for maintaining a plant variety in accordance with the characteristics to which regard was had when the plant variety was entered in the List or the Common Catalogue;

“marketing” includes the offer for sale, exposure for sale, sale and possession with a view to sale of seeds and any transaction in the course of business—

(a) under which the property in seeds is transferred from one person to another, or

(b) under which the seeds are made over by one person to another in pursuance of a contract under which the seeds will be used for producing further seeds or for producing plants or parts of plants for human or animal consumption;

and “market” and “marketed” shall be construed accordingly;

“Member State” means a Member State of the Communities;

“the Minister” means, as respects England, the Minister of Agriculture, Fisheries and Food and, as respects Scotland or Wales, the Secretary of State, and “the Ministers” means the Minister

(1) S.I. 1985/976.

(2) S.I. 1987/1091.

(3) S.I. 1989/1311.

of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly;

“National List” means a list of varieties of kinds of cereals for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 1982⁽⁴⁾;

“official certificate” means a certificate issued by the Minister in accordance with Schedule 2 subject to the payment of any fees payable under seeds regulations and containing in respect of the seed to which it relates the particulars specified in Schedule 3 and “officially certified” shall be construed accordingly;

“official examination” means—

- (a) an examination carried out by or on behalf of the Minister, subject to an application for such examination having been made to the Minister in such form and manner and at such time as the Minister may, at his discretion, require and to the payment of any fees payable under seeds regulations,
- (b) an examination carried out by or on behalf of the Department of Agriculture for Northern Ireland, or
- (c) in relation to seeds produced elsewhere than in the United Kingdom, an examination approved by the Minister;

“official label” means a label issued or authorised by the Minister, subject to the payment of any fees payable under seeds regulations, and “official inner label” shall be construed accordingly;

“seed lot” means an identifiable consignment of seeds of a weight not exceeding that specified in Part II of Schedule 5, bearing a unique reference number, in which the seeds shall have been so mixed or blended that, as far as is practicable, the seed lot shows no evidence of heterogeneity;

“seeds regulations” means regulations made under section 16 of the Act and for the time being in force;

“small package” means a package containing a net weight of not more than 15 kilograms of Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or a mixture of seeds.

(2) A reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(3) In these Regulations—

“Uncertified Pre-basic Seed” means seeds of maize of a generation earlier than that of Basic Seed—

- (a) which have been produced in the United Kingdom by or under the responsibility of the maintainer, and
- (b) which are intended for the production of Pre-basic Seed or Basic Seed;

“Breeder’s Seed” means seeds of oats, barley, wheat, durum wheat, spelt wheat, triticale or rye of a generation earlier than that of Pre-basic Seed—

- (a) which have been produced by or under the responsibility of the maintainer carrying out in the United Kingdom the duties of a maintainer set out in regulation 19 of the Seeds (National Lists of Varieties) Regulations 1982,
- (b) which are intended for the production of Pre-basic Seed or, with the written authority of the Minister, of Basic Seed, and
- (c) 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;

(4) S.I. 1982/844 amended by S.I. 1985/1529, 1989/1314, 1990/1353, 1992/1615.

“Pre-basic Seed” means seeds of a generation earlier than that of Basic Seed—

- (a) which have been produced by or under the responsibility of the maintainer, and
- (b) which—
 - (i) as respects seeds of maize, have been produced from Uncertified Pre-basic Seed, or from Pre-basic Seed, and are intended for the production of Pre-basic Seed, Basic Seed or, with the written authority of the maintainer, Certified Seed, or
 - (ii) as respects seeds of oats, barley, wheat, durum wheat, spelt wheat, triticale or rye, have been produced—
 - (a) from Breeder’s Seed, and is intended to be used for the production of Pre-basic Seed or Basic Seed, or with the written authority of the maintainer and the Minister, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation, or
 - (b) from Pre-basic Seed, and is intended to be used for the production of Pre-basic Seed, Basic Seed or, with the written authority of the maintainer, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation, and
 - (c) 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;

“Basic Seed” means—

- (a) seeds of oats, barley, wheat, durum wheat, spelt wheat, rye and triticale, other than hybrids of rye and of triticale,
 - (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,
 - (ii) which are intended for the production of Certified Seed of the First Generation or Certified Seed of the Second Generation, and
 - (iii) 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;
- (b) 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;
- (c) seeds of open pollinated varieties of maize,
 - (i) which have been produced from Uncertified Pre-basic Seed or Pre-basic Seed by or under the responsibility of the maintainer,
 - (ii) which are intended for the production of Certified Seed of the same variety, top cross hybrids or inter-varietal hybrids, and
 - (iii) 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;
- (d) seeds of inbred lines of maize, which have been produced from Uncertified Pre-basic 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;

- (e) seeds of single cross hybrids of maize,
 - (i) which have been produced from Uncertified Pre-basic Seed or Pre-basic Seed and are intended for the production of double cross hybrids, threeway cross hybrids or top cross hybrids, 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;

“Certified Seed” means seeds of maize and rye and hybrids of oats, barley, wheat, durum wheat and spelt wheat—

- (a) which have been produced directly from Basic Seed or,
 - (i) in the case of maize, with the written authority of the maintainer, from Pre-basic Seed, or
 - (ii) in the case of rye and hybrids of oats, barley, wheat, durum wheat and spelt wheat,
 - (a) with the written authority of the maintainer, directly from Pre-basicSeed which has itself been produced from Pre-basic Seed, or
 - (b) with the written authority of the maintainer and the Minister, directly from Pre-basic Seed which has been produced from Breeder’s Seed,
- (b) which are intended mainly for the production of plants or parts of plants for human or animal consumption, and
- (c) which satisfy the requirements for Certified Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

“Certified Seed of the First Generation” means seeds of oats, barley, wheat, durum wheat, spelt wheat and triticale—

- (a) which have been produced,
 - (i) directly from Basic Seed, or
 - (ii) with the written authority of the maintainer, directly from Pre-basic Seed which has been produced from Pre-basic Seed, or
 - (iii) with the written authority of the maintainer and the Minister, directly from Pre-basic Seed which has been produced from Breeder’s Seed,
- (b) which are intended either for the production of Certified Seed of the Second Generation or mainly for the production of plants or parts of plants for human or animal consumption, and
- (c) which satisfy the requirements for Certified Seed of the First Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2.

“Certified Seed of the Second Generation” means seeds of oats, barley, wheat, durum wheat and spelt wheat—

- (a) which have been produced,
 - (i) directly from Basic Seed or Certified Seed of the First Generation, or
 - (ii) with the written authority of the maintainer, directly from Pre-basic seed which has been produced from Pre-basic seed, or
 - (iii) with the written authority of the maintainer and the Minister, directly from Pre-basic Seed which has produced from Breeder’s Seed,
- (b) which are intended mainly for the production of plants or parts of plants for human or animal consumption, and

- (c) which satisfy the requirements for Certified Seed of the Second Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2.
- (4) For the purposes of these Regulations seeds marketed in accordance with regulation 5(1)(b) or (c) below shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (3) above.
- (5) In these Regulations, in relation to the varieties, inbred lines and hybrids of maize—
 - “open pollinated variety” means a sufficiently uniform and stable variety;
 - “inbred line” means a sufficiently uniform and stable line, obtained either by artificial self-fertilisation together 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;
 - “top cross hybrid” means the first generation of a cross between either an inbred line or a single cross hybrid and an open pollinated variety, defined by the maintainer;
 - “inter-varietal hybrid” means the first generation of a cross between plants grown from Basic Seed of two open pollinated varieties, defined by the maintainer.

Seeds to which the Regulations apply

4.—(1) Subject to paragraph (2) and (3) below, these Regulations apply to cereal seeds of the kinds set out in Schedule 1 being seeds intended to be used only for the production of agricultural crops.

- (2) These Regulations shall not apply to—
 - (a) seeds which are marketed for delivery elsewhere than in a Member State,
 - (b) seeds used or to be used for research or experiment,
 - (c) seeds used or to be used in the course of a process of selection, and
 - (d) seeds which are marketed with a view to processing, treatment or cleaning, where the identity of the seeds is stated by the person by whom they are marketed.
- (3) Where a person (“the first person”) makes an arrangement under which some other person (“the second person”) uses seeds which are under the control of the first person for the purpose of—
 - (a) increasing the first person’s stock of seeds for sowing, or
 - (b) carrying out tests or trials thereon, and

under that arrangement the whole of the material produced from the seeds (whether directly or indirectly) and any unused seeds become or remain the property of the first person, these Regulations shall not apply to the marketing of the seeds by the first person to the second person as part of that arrangement or to the marketing by the second person to the first person of seeds produced (whether directly or indirectly) from those seeds.

Marketing of seeds

5.—(1) Subject to the provisions of this regulation, no person shall market any seeds unless they are seeds of plant varieties which may be marketed in accordance with regulation 31 of the Seeds

(National Lists of Varieties) Regulations 1982 unless they are marketed in seed lots or in parts of seed lots and unless they are—

- (a) Uncertified Pre-basic Seed, Breeder’s Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation, or
 - (b) 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), (8), (9), (10), (11) and (13) and which—
 - (i) in the case of a small package of seeds, have been sealed in accordance with the requirements of regulation 8(3), or
 - (ii) in the case of all other seeds, have been officially sealed in a Member State other than the United Kingdom, or
 - (c) 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.
- (2) Paragraph (1) above shall not prevent the marketing of—
- (a) a mixture of kinds of seeds to which these Regulations apply,
 - (b) a mixture of varieties of a kind of seeds to which these Regulations apply, being a mixture which is effective, as such, in reducing the incidence of a disease or pest of plants, or
 - (c) kinds or varieties of seeds to which these Regulations apply included in mixtures of seeds permitted by the Fodder Plant Seeds Regulations 1993(5),

but each constituent of such mixtures, to which these Regulations apply, shall consist of seeds meeting the requirements of paragraph (1) above.

(3) The Minister may, by a general licence which may impose conditions and which shall have effect during the period specified in it unless the Minister earlier revokes it,—

- (a) authorise any person to market as Breeder’s Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation, seeds which fail in some respect to satisfy the requirements for such seeds set out in Schedule 4 or Schedule 5,
- (b) modify the labelling requirements set out in Schedule 6,
- (c) authorise any person to market seeds which, notwithstanding the requirements of the Seeds (National Lists of Varieties) Regulations 1982, are of a variety not entered in a National List or in the Common Catalogue,
- (d) authorise any person to market—
 - (i) Basic Seed produced directly from Breeder’s Seed,
 - (ii) Certified Seed produced directly from Pre-basic Seed,
 - (iii) Certified Seed of the First Generation produced directly from Pre-basic Seed,
 - (iv) Certified Seed of the Second Generation produced directly from Pre-basic Seed,
- (e) authorise any person to market seeds in respect of which an official certificate has not been issued in accordance with paragraph 1 of Schedule 2,

but in all other respects, unless expressly otherwise stated in the licence, the provisions of these Regulations shall apply in relation to the marketing of the seeds.

(4) Any person may market to a person engaged in the business of trading in seeds, other than by way of retail sale, seeds which have been imported from a country other than a Member State

notwithstanding that such marketing would otherwise be prohibited by virtue of paragraph (1)(c) above.

(5) Notwithstanding the requirement in Part II of Schedule 4 that Basic Seed shall attain the minimum standards of germination specified in the said Schedule any person may, subject to the requirements of regulation 9(3) market as Breeder's Seed, Pre-basic Seed or Basic Seed, seeds which in other respects satisfy the requirements of Basic Seed set out in the said Schedule and in respect of which an official certificate has been issued in accordance with Schedule 2 but which attain a lower percentage of germination than that specified in Schedule 4 in relation to seeds of that kind.

(6) In a case where the official examination in respect of the germination of any seed lot has not been completed, but a preliminary test of germination has shown that the seeds attain the appropriate minimum standard of germination specified in Part II of Schedule 4 and the seeds in other respects satisfy the appropriate requirements of the said Schedule, the seed lot or any part of the seed lot may, subject to the requirements of paragraph (8) below and regulations 8 and 9, be marketed. In the event of any such marketing the seller of the seeds shall, upon or before delivery, provide the purchaser with a written statement that the seeds are marketed before the completion of the official germination test together with the result of the preliminary test of germination. In the event of the official germination test showing the failure of the seeds to comply with the minimum germination standard by paragraph 3 of Part II of Schedule 4 for seeds of that kind, the seller shall provide the purchaser with the result of the completed test, in writing, as soon as practicable and in any event not later than seven days after being informed of it.

(7) The provisions of paragraph (6) above shall not apply to the marketing of any seed lot or part of any seed lot in respect of which a previous official examination has shown that the seed fails to meet the standards set out for such seed in Part II of Schedule 4.

(8) A person who sells any seeds in accordance with paragraph (6) above shall make and, during a period of twelve months following the delivery of the seeds, keep available for inspection by an officer of the Minister a record of the date of such delivery, of the reference number of the seed lot delivered, of the name and address of the purchaser, of the date on which the preliminary test of germination was carried out and of the result of that test and, if appropriate, the date on which the purchaser was informed of the result of the completed official germination test.

(9) Paragraphs (5) and (6) above shall not apply to seeds which have been imported from a country other than a Member State unless they have been produced directly from Pre-basic Seed, Basic Seed or Certified Seed of the First Generation produced in a Member State.

(10) Where seeds are sampled for the official examination referred to in paragraph 2(c) of Schedule 2 in an untreated state and are subsequently subjected to chemical treatment the seller shall, upon or before delivering the seeds to the purchaser, provide him with a statement in writing that the seeds have been subsequently subjected to chemical treatment and specifying the chemical nature of such treatment.

(11) Where in the course of the marketing of any seeds it is stated or indicated in any label or notice affixed to, contained in or marked on any package of seeds or in any document accompanying the seeds, that the seeds attain the Higher Voluntary Standard, those seeds shall be required to meet the appropriate standards prescribed in Parts I, II and IV of Schedule 4, and the person marketing the seeds shall be deemed to state for the purposes of these Regulations and in relation to the particulars given to a purchaser that the seeds attain the said Higher Voluntary Standard.

(12) Any mixture of seeds to which the provisions of paragraph (11) above relate shall be required to meet the appropriate standards prescribed in seeds regulations in respect of all its constituent parts.

(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.

(14) Seeds which have been produced from Basic Seed, Certified Seed of the First Generation or Generations prior to Basic Seed which have been officially certified in the United Kingdom and which have undergone field inspections and satisfied the conditions for the appropriate category laid down in Part I of Schedule 4 may be marketed to Member states other than the United Kingdom notwithstanding that they have not been officially certified as Certified Seed. Such seed shall be packed and labelled with official labels and be accompanied by an official document complying with the conditions laid down in Schedule 6 Part IF and in accordance with the provisions laid down in regulations 8 and 9.

Official certificates

6.—(1) An application for the issue of an official certificate in respect of a seed lot of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation—

- (a) shall be made in writing to the Minister in such form and manner, and shall be accompanied by such documents, as the Minister may require; and
- (b) shall be made not later than the fifteenth day of March of the second year following the year of harvest of the crop from which the seed lot is obtained or within such other time as the Minister may allow.

(2) Where an application for the issue of an official certificate is made to the Minister in accordance with paragraph (1) above the Minister shall deal with the application in accordance with the provisions of Schedule 2.

(3) An official certificate which has been issued by the Minister may be withdrawn by him in respect of either the whole of a seed lot or any part of a seed lot and any seeds from which an official certificate has been so withdrawn shall be deemed not to have been officially certified if—

- (a) the results of an official examination of the seeds in respect of which the official certificate has been issued are declared null and void in accordance with paragraph (2) of regulation 7, or
- (b) information has been received by him which, if known to him before the official certificate was issued, would have resulted in the application for its issue being refused on the grounds that the seeds did not meet the requirements of seeds regulations.

(4) Where, in accordance with paragraph (3) above, seeds are deemed not to have been officially certified the seller of the seeds shall, as soon as practicable and in any case not later than 7 days after being informed of it notify the purchaser, in writing, that the seeds have not been officially certified.

Sampling

7.—(1) A sample of seeds taken for the purposes of an official examination shall be taken, subject to the payment of any fees payable under seeds regulations, by a person authorised by the Minister in that behalf and in accordance with the requirements contained in Schedule 5.

(2) If a sample of seeds taken for the purposes of an official examination is found not to have been taken in accordance with the requirements of seeds regulations no, or no further, official examination shall be made of that sample, and any findings or results obtained in the course of any official examination of the sample of seeds already made shall be deemed null and void.

Sealing of packages

8.—(1) No person shall market in accordance with regulation 5(1)(a) or (2), a package (other than a package of Uncertified Pre-basic Seed or a small package of seeds) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or a mixture of seeds unless it has been, not later than at the time of sampling,

sealed by or under the supervision of a person authorised by the Minister in that behalf in such a manner that when the package is opened the sealing device will be broken and cannot be re-used.

(2) If a package of seeds which has been sealed in accordance with paragraph 1 above or imported in accordance with regulation 5(1)(b) or (c) shall have been opened it may not be re-sealed or further re-sealed except by or under the supervision of a person authorised by the Minister in that behalf.

(3) No person shall market a package of Uncertified Pre-basic Seed or a small package of seeds in accordance with regulation 5(1)(a) or (2) unless it has been sealed with a sealing device in such a manner that when the package is opened the sealing device is broken and cannot be re-used.

Labelling of packages

9.—(1) Subject to paragraph (12) below, no person shall market any seeds in accordance with regulation 5(1)(a) or (2) except in a package which, not later than at the time of sealing, is labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2) A package (other than a small package) of Breeder's Seeds, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or a mixture of seeds shall have affixed on the outside an official label containing, as appropriate to the seeds, particulars of the matters specified, and being of at least the size and of the colour also specified in Part I of Schedule 6, which shall be either an adhesive label or a label secured to the package by a sealing device approved by the Minister and shall be affixed (in either case) by or under the supervision of a person authorised by the Minister in that behalf.

(3) If in accordance with regulation 5(5) a person shall market any Breeder's Seed, Pre-basic Seed or Basic Seed of a lower percentage of germination than that specified in Schedule 4 the fact be stated on the official label, or included in the particulars printed or stamped on the package in accordance with paragraph (5) of this regulation and a supplier's label affixed to the outside of the package shall contain a statement of the germination of the seeds together with the name and address of the seller and the reference number of the lot.

(4) A person who markets a package (other than a small package) containing a mixture of seeds shall, with the seeds or not later than 14 days after the sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing on a label attached to the package, or on the package itself or on an invoice or other document associated with the seeds, containing particulars, as appropriate to the seeds, of the matter specified in Part I E of Schedule 6.

(5) Notwithstanding paragraphs (2), (3) and (4) above, a package (other than a small package) of Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation may be marked if—

- (a) the appropriate particulars of the matters specified in Part I of Schedule 6 are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified, and
- (b) the requirements of Part V of that Schedule are satisfied.

(6) A package (other than a small package) of Breeder's Seed, Pre-basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or a mixture of seeds all shall contain an official inner label which shall be of the same colour as, and in addition to, the official label affixed to the outside of the package in accordance with paragraph (2) above. The official inner label shall contain particulars of the reference number of the lot and of the kind or, in any case of a mixture of the proprietary name of the mixture or of the kinds of the constituents and, in case of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation, of the variety; except that if such particulars are printed indelibly on the outside of the package or if the official label is an adhesive or a tear-resistant label the official inner label referred to in this paragraph shall not be required.

(7) A package of Uncertified Pre-basic Seed shall have affixed on the outside a label containing, as appropriate to the seeds, particulars of the matters specified and being of the colour also specified in Part II of Schedule 6; except that if such particulars are printed indelibly on the outside of the package, the said label shall not be required.

(8) A small package of seeds shall have affixed on the outside a label containing, as appropriate to the seeds, particulars of the matters specified and being of the colour also specified in Part III of Schedule 6; except that if such particulars are printed indelibly on the outside of the package, the said label shall not be required.

(9) A person who markets a small package containing a mixture of seeds shall, with the seeds or no later than 14 days after the sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing, on a label attached to the package, on the package itself or on an invoice or other document associated with the seeds, containing particulars as appropriate to the seeds of the matters specified in Part IE of Schedule 6.

(10) If a package of seeds shall have been re-sealed in accordance with regulation 8(2) above this fact shall be stated on the official label, together with the month and year of re-sealing and the name of the authority responsible for the re-sealing.

(11) If any seeds have been subjected to any chemical treatment this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either—

- (a) on a separate supplier's label, or
- (b) on the label referred to in paragraph (2), (3), (4), (5), (7), (8) or (9) above or, where such a label is not required, with the particulars otherwise given in accordance with those paragraphs,

and also, except where the label referred to in paragraph (2), (3), (4), (7), (8) or (9) above is not required or where the information prescribed by this paragraph is given on an adhesive or tear-resistant label, either on the outside of the package or in a statement enclosed in the package.

(12) A person may sell any seeds otherwise than in a package which is labelled, inscribed or otherwise dealt with in accordance with this regulation where—

- (a) the seeds are sold by way of retail sale in a quantity not exceeding 5 kilograms, and
- (b) the seeds are taken, in the presence of the purchaser, from a container on which there is clearly and visibly marked or near which there is clearly and visibly displayed a statement containing particulars of the matter specified in Part IV of Schedule 6.

(13) The particulars and information given in accordance with this regulation shall be given in one of the official languages of the Community.

(14) Subject to the provisions of the Act and of these Regulations, no person shall, in the course of the marketing or the preparation for the marketing of any seeds by himself or by any other person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label affixed to, contained in or marked on any package of seeds or which is to be so affixed, contained or marked.

Civil liabilities of sellers of seeds

10.—(1) The particulars given to a purchaser by the seller of seeds to which these Regulations apply, whether given in pursuance of these Regulations expressly or by implication arising from the description under which the seeds are sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the category of the seeds, the level of the seeds, the percentage germination of the seeds, the percentage analytical purity of the seeds, the content of seeds of other plants species and the varietal identity and varietal purity of the seeds or, in the case of a mixture of seeds permitted by regulation 5(2), of each of its constituents to which these Regulations apply.

(2) Section 17(2) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1) above, in so far as they relate to the percentage germination, the percentage analytical purity, or the content of seeds of other plant species and there are hereby prescribed in respect of such matters the limits of variation set out in Schedule 7.

(3) Section 17(3) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1) above, in so far as they relate to the percentage germination, the percentage analytical purity or the content of seeds of other plant species.

(4) A purchaser who intends to obtain a test of seeds for the purposes of section 17(3) of the Act shall, not been more than 10 days after delivery to him of the seeds or of the particulars prescribed in regulation 9(4) or (9) (whichever is the later), give to the seller written notice of his intention and thereupon the seller may indicate a day (not being more than 21 days after the delivery of the seeds or of the said particulars, whichever is the later, to the purchaser) and a reasonable time on that day at which a sample of the seeds may be taken in the presence of himself or his representative and the purchaser shall afford to the seller reasonable facilities for that purpose.

(5) On the day and at the time appointed by the seller in accordance with paragraph (4) above or, if the seller shall have failed to appoint such a day and time, on a day not more than 28 days after delivery of the seeds or of the said particulars (whichever is the later) to the purchaser, the purchaser or his representative may, and if the seller or his representative is present shall, take a sample of seeds. Such sample shall be taken and divided by the purchaser or his representative into two parts in accordance with the requirements contained in Part I of Schedule 5, each part being of at least the appropriate minimum weight specified in Part II of Schedule 5, of which one part shall be sent to the Chief Officer of an official seed testing station for the purpose of being tested and the other part delivered or tendered to the seller or his representative or, if he or his representative was not present when the sample was taken, sent to him by post.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

30th July 1993.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

2nd August 1993

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

29th July 1993

John Redwood
Secretary of State for Wales