
STATUTORY INSTRUMENTS

1993 No. 2005

The Cereal Seeds Regulations 1993

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 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(1);

“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;

“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-basic Seed 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.