
STATUTORY INSTRUMENTS

1993 No. 2007

SEEDS

The Oil and Fibre Plant Seeds Regulations 1993

Made - - - - *2nd August 1993*
Laid before Parliament *11th August 1993*
Coming into force - - *1st September 1993*

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), (5) and (8), 17(1), (2), (3), and (4) and 36 of the Plant Varieties and Seeds Act 1964⁽¹⁾ and now vested in them⁽²⁾ and of all 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, extent and commencement

1. These Regulations may be cited as the Oil and Fibre Plant Seeds Regulations 1993, shall apply to Great Britain and shall come into force on 1st September 1993.

Revocation of previous regulations

2. The Oil and Fibre Plant Seeds Regulations 1985⁽³⁾, the Oil and Fibre Plant Seeds (Amendment) Regulations 1987⁽⁴⁾, the Oil and Fibre Plant Seeds (Amendment) Regulations 1989⁽⁵⁾ the Oil and Fibre Plant Seeds (Amendment) Regulations 1991⁽⁶⁾ and the Oil and Fibre Plant Seeds (Amendment) Regulations 1992⁽⁷⁾ are hereby revoked.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires—
“the Act” means the Plant Varieties and Seeds Act 1964;

(1) 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. See section 38(1) for a definition of “the Ministers”.
(2) In the case of the Secretary of State for Wales by virtue of S.I.1978/272.
(3) S.I. 1985/977.
(4) S.I. 1987/1097.
(5) S.I. 1989/1313.
(6) S.I. 1991/1602.
(7) S.I. 1992/1613.

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

“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 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 or for industrial use,

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 oleaginous and fibrous plants for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 1982(8);

“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, Certified Seed of the Third Generation or Commercial Seed.

(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—

“Breeder’s 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 carrying out in the United Kingdom the duties of a maintainer set out in regulation 19 of the Seeds (National List 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 directly from Breeder’s Seed or Pre-basic Seed by or under the responsibility of the maintainer,
- (b) which are intended for the production of Pre-basic Seed, Basic Seed, or, with the written authority of the maintainer and the Minister, 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
- (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, 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 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, or
 - (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.

“Certified Seed” means seeds of turnip rape, swede rape, brown mustard, black mustard, white mustard or sunflower—

- (a) which have been produced directly from Basic Seed or, with the written authority of the maintainer and the Minister, from Pre-basic Seed,
- (b) which are intended to be used 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 soya bean, flax or linseed—

- (a) which have been produced directly from Basic Seed or, with the written authority of the maintainer and the Minister, from Pre-basic Seed,
- (b) which are intended to be used mainly for the production of plants or parts of plants for human or animal consumption or for industrial use or for the production of Certified Seed of the Second Generation or, as regards flax, Certified Seed of the Third Generation, 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 soya bean, flax or linseed—

- (a) which have been produced directly from Basic Seed, Certified Seed of the First Generation or, with the written authority of the maintainer and the Minister, from Pre-basic Seed,
- (b) which are intended to be used mainly for the production of plants or parts of plants for human or animal consumption or for industrial use or, as regards flax, for the production of Certified Seed of the Third Generation, 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;

“Certified Seed of the Third Generation” means seeds of flax—

- (a) which have been produced directly from Basic Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation or, with the written authority of the maintainer and the Minister, from Pre-basic Seed,
- (b) which are intended to be used mainly for the production of plants or parts of plants for human or animal consumption or for industrial use, and
- (c) which satisfy the requirements for Certified Seed of the Third Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

“Commercial Seed” means seeds of black mustard—

- (a) which are identifiable as to their kind, and
- (b) which satisfy the requirements for Commercial Seed 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), (ii) or (iii) 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 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 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.

Seeds to which the regulations apply

4.—(1) Subject to paragraphs (2) and (3) below, these Regulations apply to oil and fibre plant seeds of the kinds set out in Schedule 1, being seeds intended to be used only for the production of agricultural or horticultural crops other than for ornamental purposes.

(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 the 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 (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 marketed in seed lots or in parts of seed lots and unless they are—

- (a) Commercial Seeds, 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), (7) and (9) 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.

(2) Paragraph (1) above shall not prevent the marketing of kinds of varieties of oil and fibre plant seeds included in mixtures of seeds for the time being permitted by the Fodder Plant Seeds Regulations 1993⁽⁹⁾ where each of the constituents of such mixtures to which these Regulations apply consists 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, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed, 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 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)(b) (iii) 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 Pre-basic Seed or Basic Seed, seeds which in other respects satisfy the requirements for 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 required by paragraph 2 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

(9) S.I. 1993/2009.

germination was carried out and of the result of that test and, if appropriate, of 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 the Member State unless they have been produced directly from Pre-basic Seed, Basic Seed, Certified Seed of the First Generation or Certified Seed of the Second 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) 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.

(12) 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 I G 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, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed—

- (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 thirty-first day of December of the 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)(b)(i) or (2) a package (other than a small package) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or of Commercial Seed 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)(ii) or (iii) 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 small package of seeds in accordance with regulation 5(1)(b)(i) 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 (8) below, no person shall market any seeds in accordance with regulation 5(1)(a) or (b)(i) 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 Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or of Commercial Seed 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 Pre-basic Seed or Basic Seed of a lower percentage of germination than that specified in Schedule 4 the fact shall be stated on the official label 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 package (other than a small package) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or of Commercial Seed 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 matters specified in the items numbered, in the case of seeds other than Commercial Seed, 4, 5 and 6 in Part IC of Schedule 6 and, in the case of Commercial Seed, 4, 5 and 6 in Part I D of Schedule 6; 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.

(5) 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 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.

(6) 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.

(7) 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) or (5) 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) or (5) 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.

(8) 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 matters specified in Part III of Schedule 6.

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

(10) Subject to the provisions of the Act and of these Regulations, no person shall, in the course of the marketing or the preparation for 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 percentage germination of the seeds, the percentage analytical purity of the seeds, the content of seeds of other plant species, and, as appropriate, the varietal identity and the 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.

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(4) A purchaser who intends to obtain a test of seeds for the purposes of section 17(3) of the Act shall, not more than 10 days after delivery to him of the seeds, give to the seller written notice of his intention and thereupon the seller may indicate a day (not being more than 21 days after delivery of the seeds 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 to the purchaser, the purchaser or his representative may, and if the seller or his representative is present shall, take a sample of the 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 30th July 1993.

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

2nd August 1993

29th July 1993

John Redwood
Secretary of State for Wales

SCHEDULE 1

Regulation 4(10)

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 |

SCHEDULE 2

Regulations 3(1) and (3), 5(3), (5) and (10)
and 6(2)

OFFICIAL CERTIFICATES

1. On receipt of an application made in accordance with regulation 6(1) for the issue of an official certificate in respect of a seed lot of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation or Commercial Seed, the Minister shall, subject to paragraph 2 and 3 below and to the payment of any fees payable under seeds regulations, issue in respect of such a seed lot an official certificate containing the particulars specified in Schedule 3.

2. The Minister shall refuse to issue an official certificate in respect of a seed lot unless—

- (a) an application has been made to the Minister, in such form and manner and at such time as he may require, for registration by him of—
 - (i) the seed lot or seed lots to be used for the production of the crop or crops from which the seed lot is to be obtained, and
 - (ii) the crop or crops from which the seed lot is to be obtained;
- (b) an official examination of the crop or crops from which the seed lot was obtained shall have shown that the crop or crops meet the standards appropriate to the category set out in Part I of Schedule 4; and
- (c) an official examination of a sample of the seed lot shall have shown that the seeds meet the standards appropriate to the category set out in Part II of Schedule 4;

except that—

 - (i) paragraphs 2(a) and (b) above shall not apply in relation to an application for the issue of an official certificate in respect of Commercial Seed,
 - (ii) paragraphs 2(a), (b) and (c) above shall not apply in relation to an application for the issue of an official certificate in respect of Breeder's Seed, where the seed has been officially sampled for the purposes of official examination of a plot in accordance with paragraph 1 of Part I of Schedule 4,

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- (iii) paragraph 2(c) above, in so far as it relates to standards of germination set out in Part II of Schedule 4, shall not apply in relation to an application for the issue of an official certificate in respect of seeds which are marketed in accordance with and subject to the requirements of regulation 5(5), and
 - (iv) the Minister shall issue an official certificate in respect of a seed lot marketed in accordance with, and subject to any conditions imposed by, a general licence granted by the Minister under regulation 5(3).
- 3.** The Minister may refuse to issue an official certificate in respect of a seed lot if it appears to him that—
- (a) a sample of the seed lot taken for the purpose of an official examination in order to ascertain whether the seed lot meets the appropriate standards set out in Part II of Schedule 4 has not been taken in accordance with the requirements contained in Schedule 5;
 - (b) an official examination of a plot sown with a sample of the seed lot sown in the field shows that the crop does not meet the appropriate standards set out in Part I of Schedule 4;
 - (c) there has been any breach of seeds regulations in relation to the seed lot in respect of which application for an official certificate has been made.

SCHEDULE 3

Regulation 3(1)

PARTICULARS TO BE SPECIFIED IN AN OFFICIAL CERTIFICATE

- (i) Name and address of Certifying Authority
- (ii) Applicant's name, address and registered number
- (iii) Seed lot reference number
- (iv) Kind/variety/category*
- (v) Net weight of seed lot and number of containers
- (vi) Seed treatment (if applicable)

*as appropriate.

SCHEDULE 4

Regulations 3(1) and (3), (5), (6) and (7)
and 9(2) and (3)

REQUIREMENTS FOR BASIC SEED, CERTIFIED SEED, CERTIFIED SEED OF THE FIRST, SECOND AND THIRD GENERATIONS AND COMMERCIAL SEED

PART I

CONDITIONS RELATING TO CROPS FROM WHICH SEEDS OTHER THAN COMMERCIAL SEED ARE OBTAINED

1. So far as the Minister can ascertain them, by the use of methods which shall include official examination of the crop and which may include examination of a plot sown with a sample from the seed lot sown in the field and the consideration of any other relevant information, the requirements for the crop set out below shall be met.

Varietal identity and varietal purity

2. The characteristics for the determination of varietal identity and varietal purity shall be those recognised as those of the variety for the purposes of the National List or the Common Catalogue.

Crop inspection

3. The crop shall be officially examined in such manner and at such times (when the cultural condition of the field and the stage of development and condition of the crop are such as to permit suitable checks of varietal identity, varietal purity and species purity to be made) as the Minister may reasonably require.

4. Unless the crop's state of health is satisfactory so far as seed-borne disease and organisms affecting the seeds are concerned, the inspection shall not proceed.

Previous cropping

5. The crop may be grown only on land which has not previously been cropped in a manner which might adversely affect the nature or quality of the seeds to be produced and which complies with the Minister's requirements in that respect.

Isolation distances

6. There shall be either a physical barrier or at least 2 metres of fallow between the seed crop and any crop likely to cause contamination in the seed.

7. For turnip rape, swede rape, brown mustard, black mustard and white mustard the minimum distance from neighbouring crops or plants or other species or of other varieties of the same species liable to cross-pollinate with the crop shall be for—

- (a) crops to produce Basic Seed, 400 metres,
- (b) crops to produce Certified Seed, 200 metres,
- (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 Seeds of sunflower, 500 metres,

with the approval of the Minister these distances may be modified if there is adequate protection against undesirable pollen.

Standards for varietal purity

8. The crop shall have sufficient varietal identity and varietal purity. In particular—

- (a) for crops of swede rape (other than varieties to be used solely for fodder purposes), turnip rape (other than varieties to be used solely for fodder purposes), soya bean, flax, linseed, sunflower (other than hybrid varieties including their components) and white mustard the minimum varietal purity standards shall be:—

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| Minimum varietal purity (percentage by number) | Basic Seed | Certified Seed or Certified Seed of the First Generation | Certified Seed of the Second or Third Generation |
|--|------------|--|--|
| Swede rape and Turnip rape* | 99.9 | 99.7 | — |
| Soya bean | 97.0 | 95.0 | 95.0 |
| Flax and Linseed | 99.7 | 98.0 | 97.5 |
| Sunflower and White mustard | 99.7 | 99.0 | — |

* For swede rape and turnip rape of varieties to be used solely for fodder purposes the standards shall be 99.7 per cent for Basic Seed and 99 per cent for Certified Seed.

- (b) In crops of brown mustard and black mustard the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed—
- (i) one plant in 30 sq m for the production of Basic Seed, and
 - (ii) one plant in 10 sq m for the production of Certified Seed.
- (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 hybrid 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 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

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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 aspects.

PART II

A. CONDITIONS RELATING TO BASIC SEED, CERTIFIED SEED AND CERTIFIED SEED OF THE FIRST, SECOND AND THIRD GENERATIONS

1. The seeds shall possess the varietal identity and varietal purity, as appropriate to the kind of seed, specified in Part I. 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.

2. The seeds shall comply with the following standards:—

| Kind | Analytical purity | | | Maximum content by number of seeds of other plant species in a sample of the weight specified in Part II of Schedule 5 | | | | | | |
|------------------|--------------------------------------|---|--|--|---|-----------------------|-------------------------------------|-------------------|-------------------------------------|--------|
| | Minimum Germination (% of pure seed) | Minimum analytical purity (% by weight) | Maximum content of seed of other plant species (% by weight) | Other plant species ^(*) | Wild Oat (Avena fatua, A. ludoviciana, A. sterilis) | Dodder (Cuscuta spp.) | Wild Radish (Raphanus raphanistrum) | Dock (Rumex spp.) | Blackgrass (Alopecurus myosuroides) | Solium |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) |
| Brassica species | — | 85 | 98 | 0.3 | — | 0 | 0 [†] | 10 | 2 | |
| Basic Seed | — | 85 | 98 | 0.3 | — | 0 | 0 [†] | 10 | 5 | |
| Certified Seed | | | | | | | | | | |
| Sunflower | 85 | 98 | — | 5 | 0 | 0 | | | | |
| Flax | 92 | 99 | — | 15 | 0 | 0 [†] | | | 4 | 2 |
| Linseed | 85 | 99 | — | 15 | 0 | 0 [†] | | | 4 | 2 |

(*) The maximum content of seeds laid down in Column 5 includes also the seeds of the kinds in Columns 6 to 11.

† The presence of one seed of dodder (*Cuscuta* spp.) in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of dodder.

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| Kind | Minimum Germination (% of pure seed) | Analytical purity (% by weight) | Minimum analytical content of seed (% by weight) | Maximum content of other plant species (% by weight) | Maximum content by number of seeds of other plant species in a sample of the weight specified in Part II of Schedule 5 | | | | |
|----------------|--------------------------------------|---------------------------------|--|--|--|--|-------------------------------|--|----------------------------------|
| | | | | | Other plant species ^(*) | Wild Oat (<i>Avena fatua</i> , <i>A. ludoviciana</i> , <i>A. sterilis</i>) | Dodder (<i>Cuscuta</i> spp.) | Wild radish (<i>Raphanus raphanistrum</i>) | Dock (<i>Rumex acetosella</i>) |
| Soya bean | 80 | 98 | — | 5 | 0 | 0 | | | |
| White mustard | — | 85 | 98 | 0.3 | — | 0 | 0 [†] | 10 | 2 |
| Basic Seed | — | 85 | 98 | 0.3 | — | 0 | 0 [†] | 10 | 5 |
| Certified Seed | | | | | | | | | |

(*) The maximum content of seeds laid down in Column 5 includes also the seeds of the kinds in Columns 6 to 11.

† The presence of one seed of dodder (*Cuscuta* spp.) in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of dodder.

3.—(1) The seeds shall be of a satisfactory state of health as far as seed-borne organisms and diseases affecting the seeds are concerned. In particular the seeds shall not exceed the following standards:

| Kind | Harmful organisms Maximum percentage by number of seeds contaminated by harmful organisms (total per column) | | | |
|-------------|---|---|---|----|
| | 1 | 2 | 3 | 4 |
| Turnip rape | | | | 5 |
| Swede rape | | | | 10 |

(*) In flax the maximum percentage by number of seeds contaminated by *Phoma exiqua* var. *linicola* shall not exceed 1%.

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| Harmful organisms | | | |
|--|---------------|--|---|
| Maximum percentage by number of seeds contaminated by harmful organisms (total per column) | | | |
| Kind | Botrytis spp. | Alternaria spp., Phoma exigua var.linicola, Colletotrichum lini, Fusarium spp. | Sclerotinia sclerotiorum (maximum number of sclerotia or fragments of sclerotia in a sample of the weight specified on Column 4 of Part II of Schedule 5) |
| 1 | 2 | 3 | 4 |
| Sunflower | 5 | | 10 |
| Flax and Linseed | 5 | 5 ^(*) | |
| White mustard | | | 5 |

(*) In flax the maximum percentage by number of seeds contaminated by *Phoma exigua* var. *linicola* shall not exceed 1%.

(2) In soya bean,

- (a) the maximum number of sub-samples within a sample of 5,000 seeds minimum per lot subdivided into 5 sub-samples which have been found to be contaminated by *Pseudomonas syringae* pv. *glycinea* shall not exceed 4;
- (b) the maximum number of seeds contaminated by *Diaporthe phaseolorum* shall not exceed 15%, and
- (c) the percentage by weight of inert matter shall not exceed 0.3%.

SCHEDULE 5

Regulations 3(1), 7(1) and (2) and 10(5)

PART I

SAMPLING OF SEED LOTS

1. A sample shall be obtained from the seed lot by taking primary samples at random from different positions in the lot and combining them to form a composite sample. The composite sample may be submitted for testing intact but if the composite sample is too large it may be reduced in weight by using an approved seed sample divider, to give the submitted sample.

Primary sample size

2. At each position of sampling of a seed lot, primary samples of approximately equal size shall be taken.

Condition of the Seed Lot

3. The seed lot to be sampled shall have been subject to appropriate mixing and blending techniques so that it is as uniform as practicable. There shall be no documentary or other evidence

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of heterogeneity. If a seed lot is presented for sampling in more than one container, the containers shall be of the same size and type and contain approximately the same weight of seed.

Sampling from sacks

4. When the seed lot is in sacks or similar sized containers each containing more than 15 kg of seed and not more than 100 kg of seed, the minimum number of containers to be sampled shall be in accordance with the following table:—

| Number of containers in the lot | Minimum number of containers to be sampled |
|---------------------------------|--|
| 1—5 | Sample each container and always take at least five primary samples |
| 6—30 | Sample five containers or at least one in every three containers, whichever is the greater |
| 31—400 | Sample 10 containers or at least one in every 5 containers, whichever is the greater |
| 401 or more | Sample 80 containers or at least one in every seven containers, whichever is the greater |

5. The containers to be sampled shall be selected at random and primary samples drawn from the top, middle and the bottom of containers, but not necessarily from more than one position in any container. The position from which the seed is taken shall be varied from container to container.

Sampling from small containers

6. For sampling seed lots in containers holding 15 kg of seed or less, a 100 kg weight of seed shall be taken as the basic unit and the small containers shall be combined to form sampling units not exceeding this weight (eg 6 packages of 15 kg, 20 packages of 5 kg). For sampling purposes each unit shall be regarded as one container and the sampling procedures prescribed in paragraphs 4 and 5 above shall be used.

7. When seed is in moisture-proof containers the opened or pierced containers shall be adequately closed or the residues from sampling transferred to new containers. When seeds are in very small packets (100 g or less) each packet may be considered as a primary sample and sufficient shall be taken at random to obtain a submitted sample of the minimum size prescribed in Part II of this Schedule.

Sampling from large containers or seed in bulk

8. For the sampling of containers holding more than 100 kg of seed, and for the sampling of seed in bulk, primary samples shall be taken from different horizontal and vertical positions selected at random and the following shall be regarded as the minimum requirement:—

| Lot weight | Number of primary samples to be taken |
|----------------|---|
| up to 500 kg | at least five primary samples |
| 501—3000 kg | one primary sample for each 300 kg but not less than five |
| 3001—20,000 kg | one primary sample for each 500 kg but not less than 10 |

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Sampling from a seed stream

9. Samples may be drawn from a seed stream during processing using an automatic sampling device, which shall uniformly sample the entire cross-section of the seed stream when a sample is taken. Portions of seed shall be taken at regular intervals throughout the processing of the lot using the same sampling intensity as for seed in bulk (see paragraph 8 above).

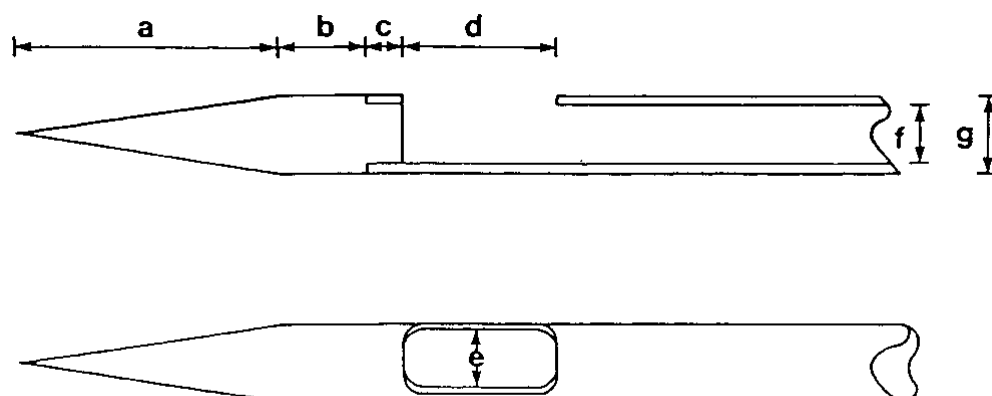
Sampling instruments

10. Sampling instruments shall be capable of sampling all parts of the seed lot. Where it is not practicable to use one of the instruments or methods described in this Schedule other instruments or methods may be used at the discretion of the Minister.

11. The instrument used for drawing primary samples shall be one of those described below as appropriate to the location of the seeds, or any other suitable instrument for the time being approved by the Minister.

Dynamic spear sampler

- (a) This instrument may be used, in accordance with the methods described in paragraph 12(a) below, for sampling seeds in sacks or small containers. It shall be a hollow, cylindrical, solid-pointed metal spear or trier which shall be long enough to reach beyond the middle of the sack from the side and shall have an aperture so positioned that portions of seed of equal volume are removed from each part of the sack through which it travels.



Dimensions (mm)

| | Point | Shoulder | Boss | Aperture Length | Aperture Width | Bore | Outside Diameter |
|--|-------|----------|------|-----------------|----------------|------|------------------|
| | (a) | (b) | (c) | (d) | (e) | (f) | (g) |

For sampling:

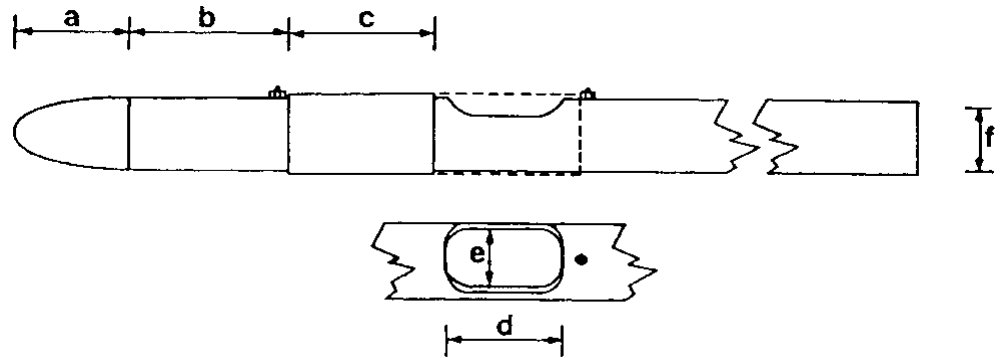
| | | | | | | | |
|---|----|----|----|----|----|----|----|
| All kinds other than soyabean, sunflower, flax or linseed | 42 | 7 | 8 | 20 | 8 | 10 | 12 |
| All kinds other than | 85 | 12 | 10 | 33 | 11 | 13 | 15 |

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| | Point | Shoulder | Boss | Aperture Length | Aperture Width | Bore | Outside Diameter |
|------------------------|-------|----------|------|-----------------|----------------|------|------------------|
| | (a) | (b) | (c) | (d) | (e) | (f) | (g) |
| soyabean and sunflower | | | | | | | |
| All kinds | 82 | 12 | 13 | 40 | 15 | 17 | 19 |

Stick samplers

(b) These instruments shall have an aperture or apertures which shall be of sufficient size to allow the unrestricted entry of seeds or other particles and which shall be capable of being opened and closed during the sampling procedure as appropriate to the method of use described in paragraph 12(b).



(i) Single chamber type

This instrument may be used for sampling seeds in open sacks, in large containers or in bulk.

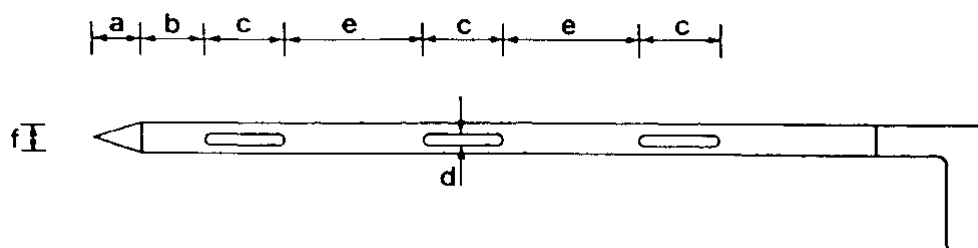
Dimensions (mm)

| | Point | Shoulder | Sliding Sleeve | Aperture Length | Aperture Width | Bore |
|--------------------------------------|-------|----------|----------------|-----------------|----------------|------|
| | (a) | (b) | (c) | (d) | (e) | (f) |
| For sampling: | | | | | | |
| Seeds in sacks | 55 | 25 | 75 | 50 | 22 | 25 |
| Seeds in large containers or in bulk | 100 | 390 | 63 | 50 | 22 | 30 |

(ii) Multi-chamber type

This instrument may be used to sample seeds in sacks or, subject to the requirements of paragraph 10 above, any other containers. The apertures shall open into chambers that shall be separated from one another by transverse partitions. The contents of each chamber shall be regarded as a primary sample.

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| Dimensions (mm) | | | | | | |
|-----------------|----------|-----------------|----------------|---------------------|------|-----|
| Point | Shoulder | Aperture Length | Aperture Width | Aperture Separation | Bore | |
| | (a) | (b) | (c) | (d) | (e) | (f) |
| For sampling: | | | | | | |
| All kinds | 60 | 50 | 100 | 15 | 110 | 25 |

Cargo sampler

(c) This instrument shall only be used, in accordance with the method described in paragraph 12(c) below, for sampling seed in large containers or bulk and shall only be used in the vertical position.

Seed stream samplers

(d) Seed stream samplers shall uniformly sample the cross section of the seed stream without any loss of the seeds that enter the sampler, in accordance with the method described in paragraph 12(d) below. Timing devices shall be attached so that the frequency and duration of sampling can be adjusted to meet the requirements of paragraph 9.

Methods of Use

12. All instruments shall be clean before use. The methods of using these instruments shall be as follows:—

(a) **Dynamic spear sampler**

These samplers may be used in two ways as appropriate to their length.

Method 1 (For instruments in which the aperture reaches only to the centre of the sack or small container).

The instrument shall be inserted into the sack in an upward direction at an angle of approximately 30° to the horizontal with its aperture downwards until the aperture reaches the centre of the sack or container. The instrument shall be lightly tapped to remove any seed taken in and then rotated to bring the aperture uppermost. It shall be withdrawn immediately with a vibratory or oscillatory motion and at a decreasing speed so that the quantity of seed obtained from successive locations increases progressively from the centre to the side of the sack. Seed passing through the instrument shall be collected in a clean container.

Method 2 (For instruments in which the aperture reaches to the far side of a sack or small container).

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A longer instrument shall be inserted in the manner described in method 1 above until its aperture reaches almost to the far side of the sack or container. It shall be tapped and rotated in the manner described above and then withdrawn at a uniform speed. Seed passing through the instrument shall be collected in a clean container.

(b) Stick sampler

(i) Single chamber type

- (a) The sleeve shall move freely.
- (b) The instrument shall be inserted vertically downwards till the aperture reaches the appropriate primary sampling position ensuring that the sleeve covers the aperture as it enters the seed.
- (c) The instrument shall be withdrawn sufficiently to uncover the aperture.
- (d) The instrument shall be left in position until the primary sample has been collected.
- (e) The instrument shall be withdrawn and the contents emptied into a clean container.

(ii) Multi-chamber type

- (a) The apertures shall be closed before insertion.
- (b) The instrument shall be inserted diagonally into sacks or vertically into large containers so that all apertures are fully covered.
- (c) The apertures shall be opened.
- (d) The instrument shall be agitated so that seed enters.
- (e) The apertures shall be closed gently to ensure that trapped seed is not broken or damaged.
- (f) The instrument shall be withdrawn and if the chambers are full the contents shall be emptied onto a clean surface or into a clean container.
- (g) If all the chambers are not full, the contents shall be discarded and procedures a—f shall be repeated.

(c) Cargo sampler

- (a) The lid shall open and close easily.
- (b) The instrument shall be inserted with the lid closed to the appropriate primary sampling position which shall be at least 300mm below the surface of the seed.
- (c) The handle shall be raised sufficiently to open the lid.
- (d) The instrument shall be left in position until the primary sample has been collected.
- (e) The instrument shall be withdrawn and the contents shall be emptied into a clean container.

(d) Seed stream samplers

Such instruments shall be required to take the number of primary samples necessary for the weight of lot being sampled, the primary samples being taken from the lot at regular intervals and the resultant composite sample being of a weight not less than that prescribed in Part II below and not greater than can conveniently be reduced by means of one of the methods of sample reduction described in paragraph 14 below. They shall be installed in such a way that the composite sample shall be readily identifiable with the seed lot from which it was taken.

Obtaining submitted sample—composite sample division instruments

13. Provided the composite sample is of at least the minimum weight prescribed in Part II below for a submitted sample for a particular kind of seed, it may be used as the submitted sample. Where the composite sample exceeds the weight prescribed for the submitted sample, any of the following

instruments may be used to obtain the submitted sample. Other instruments and methods may be used at the discretion of the Minister.

(a) **Riffle Divider**

The riffle divider shall consist of a rectangular hopper leading to a series of evenly spaced chutes, arranged so that seed is distributed equally on two sides. There shall be a minimum of 18 chutes, each discharging in the opposite direction to its immediate neighbour.

Three (or more) metal collecting vessels (pans) of sufficient depth to prevent seed bouncing out shall be used.

(b) **Centrifugal Divider**

The centrifugal divider shall consist of a hopper from which seed flows on to a shallow cup which is then rotated by an electric motor. The seed shall be distributed by centrifugal force onto a stationary baffle which divides it into two equal parts which are then discharged through separate spouts.

Four metal collecting vessels (pans) of sufficient depth to prevent seed bouncing out shall be used.

Methods of use

14. The methods of using these instruments shall be as follows:—

(a) **Riffle Divider**

(a) The divider shall be placed on a firm level surface.

(b) The divider and pans shall be clean.

Sample Mixing

- c. An empty pan shall be placed on each side of the divider to receive the discharge from the chutes.
- d. The entire composite sample shall be poured evenly into the other pan(s).
- e. The seed shall then be poured from the pan(s) evenly along the entire length of the hopper.
- f. The two pans into which the seed has passed shall then be replaced with empty pans.
- g. Procedures e. and f. shall then be repeated twice to mix the sample thoroughly.

Sample Reduction

- h. Before reduction, the composite sample shall have been thoroughly mixed using procedures c.—g. The contents of one of the two receiving pans shall then be set aside. If the seed in the second pan is of at least the minimum weight prescribed in Part II below for a submitted sample of a particular kind of seed, it may be used as the submitted sample. If the weight of seed in the second pan is greater than the appropriate minimum weight prescribed in Part II below for a submitted sample, it may be reduced using the following procedures (i.—k.).
- i. An empty pan shall be placed on each side of the divider to receive the discharge from the chutes.
- j. The contents of the second pan shall be poured evenly along the entire length of the hopper.
- k. The contents of one of the two pans into which the seed has passed shall then be set aside. If the weight of seed in the other pan is still greater than the appropriate minimum weight prescribed in Part II below for the submitted sample, it may be submitted intact or it may be reduced further using procedures i.—k.

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- l. If the weight of seed in either of the two pans at either h. or k. is less than the appropriate minimum weight prescribed in Part II below for a submitted sample, the following procedures (m.—q.) shall be used.
- m. An empty pan shall be placed on each side of the divider to receive the discharge from the chutes.
- n. The contents of one of the pans shall be set aside. The contents of the other pan shall be poured evenly along the entire length of the hopper.
- o. One receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place.
- p. The contents of the pan removed at o. shall be poured evenly along the entire length of the hopper so that two subsamples of different weight shall be produced.
- q. Procedures o. and p. above, when repeated, constitute the process of continuous halving, and shall be repeated using whichever subsample is appropriate until sufficient seed is obtained in one pan, which when added to the seed set aside at n. produces a submitted sample of at least the appropriate minimum weight prescribed in Part II below.

Obtaining more than one submitted sample

- r. Two submitted samples shall be obtained from a composite sample by first obtaining a sample of at least twice the appropriate minimum weight prescribed in Part II below for a submitted sample, using procedures c.—g., and h.—q. as appropriate, and then dividing it into two parts by passing it once through the divider.
- s. When three submitted samples are required from one composite sample, one sample of at least the appropriate minimum weight prescribed in Part II below for a submitted sample, shall be extracted using procedures c.—g. and h.—q. as appropriate. All portions of seed which have been set aside shall then be recombined and the residue of the composite sample so obtained shall be subject to the procedure at r. above.
- b. **Centrifugal Divider**
- u. The divider shall be levelled prior to use.
- v. The divider and pans shall be clean.

Sample Mixing

- c. An empty pan shall be placed under each spout of the divider.
- d. The entire composite sample shall be poured into the centre of the hopper.
- e. The motor shall be operated so that the seed passes into the pans.
- f. The motor shall be switched off.
- g. The two pans containing seed shall be removed and replaced by empty ones.
- h. The contents of both pans removed at g. shall be poured together into the centre of the hopper, the seed being allowed to blend as it flows in. Procedures e., f. and g. shall be repeated.
- i. Procedure h. shall be repeated to mix the sample thoroughly.

Sample Reduction

- j. Before reduction, the composite sample shall have been thoroughly mixed using procedures c.—i. The contents of one of the two receiving pans shall then be set aside. If the seed in the second pan is of least the minimum weight prescribed in Part II below for a submitted sample of a particular kind of seed, it may be used as the submitted sample. If the weight of seed in

the second pan is greater than the appropriate minimum weight prescribed in Part II below for a submitted sample, it may be reduced using the following procedures (k.—m.).

- k. Empty pans shall be placed under the spouts.
- l. The contents of the second pan shall be poured into the hopper and procedures e. and f. shall be repeated.
- m. The contents of one of the two pans into which the seed has passed shall then be set aside. If the weight of seed in the other pan is still greater than the appropriate minimum weight prescribed in Part II below for a submitted sample, it may be submitted intact or it may be reduced further using procedures k.—m.
- n. If the weight of seed in either of the two pans at either j. or m. is less than the appropriate minimum weight prescribed for a submitted sample in Part II below, the following procedures (o.—s.) shall be used.
- o. Empty pans shall be placed under the spouts.
- p. The contents of one of the pans shall be set aside. The contents of the other pan shall be poured into the centre of the hopper and procedures e. and f. shall be repeated.
- q. One receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place.
- r. The contents of the pan removed at q. shall be poured into the centre of the hopper and procedures e. and f. shall be repeated so that two subsamples of different weight shall be produced.
- s. Procedures q. and r. above, when repeated, constitute the process of continuous halving, and shall be repeated using whichever subsample is appropriate until sufficient seed is obtained in one pan, which when added to the seed set aside at p., produces a submitted sample of at least the appropriate minimum weight prescribed in Part II below.

Obtaining more than one submitted sample

- t. Two submitted samples shall be obtained from a composite sample by first obtaining a sample of at least twice the appropriate minimum weight prescribed in Part II below for a submitted sample, using procedures c.—i., and j.—s. as appropriate, and then dividing it into two parts by passing it once through the divider.
- u. When three submitted samples are required from one composite sample, one sample, of at least the appropriate minimum weight prescribed in Part II below for a submitted sample, shall be extracted using procedures c.—i. and j.—s. as appropriate. All portions of seed which have been set aside shall then be recombined and the residue of the composite sample so obtained shall be subject to procedure t. above.

PART II

MAXIMUM WEIGHT OF A SEED LOT AND MINIMUM WEIGHT OF A SUBMITTED SAMPLE

The maximum weight of a seed lot shall be as indicated below (or a weight which does not exceed that indicated below by more than 5%) and the minimum weight of a submitted sample shall be as indicated below:—

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| Kind | Maximum weight of a lot (tonnes) | Minimum weight of a submitted sample to be drawn from a lot (g) | Weight of the sample for determination by number provided for in columns 5—11 of paragraph 2, and column 4 of paragraph 3, of Part II of Schedule 4(g) |
|------------------|----------------------------------|---|--|
| 1 | 2 | 3 | 4 |
| Turnip rape | 10 | 200 | 70 |
| Brown mustard | 10 | 100 | 40 |
| Swede rape | 10 | 200 | 100 |
| Black mustard | 10 | 100 | 40 |
| Sunflower | 20 | 1,000 | 1,000 |
| Flax and Linseed | 10 | 300 | 150 |
| White Mustard | 10 | 400 | 200 |
| Soya bean | 20 | 1,000 | 1,000 |

SCHEDULE 6

Regulations 5(3) and (12) and 9(2), (3), (4), (5) and (8)

FOR THE PURPOSES OF THESE REGULATIONS THE PARTICULARS PRESCRIBED IN THE 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

PART I

Official Label for a Package of Breeder's Seed

- (a) (a) Prescribed contents
1. Certifying Authority
 2. Reference number
 3. Month and year when officially sealed
 4. Kind
 5. Variety
 6. "Breeder's Seed"
 7. Declared net or gross weight or declared number of seeds

8. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seed and the total weight

- (b) Minimum size of label—110mm×67mm
- (c) The label shall be coloured violet.

Official Label for a Package of Pre-Basic Seed

(a) (a) Prescribed contents

1. Certifying Authority and Member State or their mark
2. Month and year when officially sealed
3. Reference number of the lot
4. Kind
5. Variety
6. “Pre-Basic Seed”
7. Country of production
8. Declared net or gross weight or declared number of seeds
9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of seed and the total weight

10. Number of generations preceding seed of the categories “Certified Seed” or “Certified First Generation Seed”.

- (b) Minimum size of the label—110mm×67mm
- (c) The label shall be coloured white with a diagonal violet line.

Official Label for a Package of Basic Seed, Certified Seed or Certified Seed of the First, Second and Third Generations

(a) (a) Prescribed contents

1. “EEC rules and standards”
2. Certifying Authority and Member State or their mark
3. Month and year when officially sealed
4. Reference number of the lot
5. Kind
6. Variety
7. Category
8. Country of production
9. Declared net or gross weight or declared number of seeds
10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of seeds and the total weight

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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 “components”;
- (c) for Certified Seed—
the name of the variety to which the seed belongs, accompanied by the word “hybrid”.
- (b) Minimum size of label—110mm×67mm
- (c) The label shall be coloured white for Basic Seed, blue for Certified Seed and Certified Seed of the First Generation and red for Certified Seed of the Second and Third Generations.

Official Label for a Package of Commercial Seed

- (a) (a) Prescribed contents
 1. “EEC rules and standards”
 2. Service responsible for sealing and Member State or their mark
 3. Month and year when officially sealed
 4. Reference number of the lot
 5. Kind
 6. “Commercial Seed (not certified as to variety)”
 7. Country of production or region of production within a country
 8. Declared net or gross weight or declared number of seeds
 9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of seed and the total weight
- (b) Minimum size of the label—110mm×67mm
- (c) The label shall be coloured brown.

Official Label for a Package of Seed not Finally Certified

- (a) (a) Prescribed contents of the label
 1. Certifying authority
 2. Kind
 3. Variety. (In the case of varieties (inbred lines, hybrids), which are intended solely as components for hybrid varieties, the word “component” shall be added.)
 4. Category. (In the case of hybrid varieties the word “hybrid” shall be added.)
 5. Crop Identity Number

6. Declared net or gross weight (Tonnes)
7. The words “seed not finally certified”
The label shall be coloured grey.
 - (b) Information required for the document
 1. Certifying authority
 2. Kind
 3. Variety
 4. Category
 5. Seed Lot Reference Number (United Kingdom) or Reference Number (other than United Kingdom) of the seed used to sow the field and name of the country or countries which certified that seed
 6. Crop Identity Number
 7. Area cultivated for the production of the lot covered by the document (Hectares)
 8. Quantity of seed harvested and number of packages
 9. Number of generations after basic seed, in the case of certified seed
 10. Attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled
 11. Where appropriate, results of a preliminary seed analysis.

PART II

SMALL PACKAGES

Supplier’s Label for a Small Package of Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First, Second or Third Generations or Commercial Seed.

- (a) Prescribed contents
 1. “EEC rules and standards”
 2. Name and address of the supplier responsible for fixing the label or his identification mark
 3. Reference number of the lot
 4. Kind
 5. Variety (if appropriate)
 6. Category
 7. Declared net weight or declared number of seeds except in the case of packages not exceeding 15 grams net weight
 8. “Passed for marketing in the United Kingdom only”.
- (b) The label shall be coloured white with a diagonal violet line for Pre-basic Seed, white for Basic Seed, blue for Certified Seed and Certified Seed of the First Generation, red for Certified Seed of the Second and Third Generations and brown for Commercial Seed.

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PART III
PARTICULARS TO BE MARKED OR DISPLAYED
ON THE SALE OF UNPACKETED SEEDS

1. “Complies with legal standards”
2. Kind
3. Variety (if appropriate).

SCHEDULE 7

Regulation 10(2)

LIMITS OF VARIATION

GERMINATION

| Minimum percentage of germination | Limit of variation |
|-----------------------------------|--------------------|
| per cent | per cent |
| 99—100 | 2 |
| 97—98 | 3 |
| 94—96 | 4 |
| 91—93 | 5 |
| 87—90 | 6 |
| 82—86 | 7 |
| 76—81 | 8 |
| 70—75 | 9 |

ANALYTICAL PURITY

| Minimum percentage of analytical purity | Limit of variation |
|---|--------------------|
| per cent | per cent |
| 99.9—100 | 0.2 |
| 99.8 | 0.3 |
| 99.6—99.7 | 0.4 |
| 99.3—99.5 | 0.5 |
| 99.0—99.2 | 0.6 |
| 98.5—98.9 | 0.7 |
| 98.3—98.4 | 0.8 |
| 97.5—98.2 | 0.9 |
| 97.0—97.4 | 1.0 |
| 96.5—96.9 | 1.1 |

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| Minimum percentage of analytical purity | Limit of variation |
|---|--------------------|
| 95.5—96.4 | 1.2 |
| 95.0—95.4 | 1.3 |

CONTENT OF SEEDS OF OTHER SPECIES

| Maximum seeds per cent | Limit of variation per cent |
|---------------------------|--------------------------------|
| 0.0 | 0.1 |
| 0.1—0.2 | 0.3 |
| 0.3—0.4 | 0.4 |
| 0.5 | 0.5 |

NUMBER OF SEEDS OF OTHER SPECIES

| Maximum number of seeds Number | Limit of variation Number |
|-----------------------------------|------------------------------|
| 0 | 1 |
| 1 | 3 |
| 2 | 4 |
| 3—4 | 5 |
| 5—6 | 6 |
| 7—8 | 7 |
| 9—11 | 8 |
| 12—14 | 9 |
| 15—17 | 10 |
| 18—21 | 11 |
| 22—25 | 12 |
| 26—29 | 13 |
| 30—34 | 14 |
| 35—40 | 15 |
| 41—45 | 16 |
| 46—50 | 17 |

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the provisions of the Oil and Fibre Plant Seeds Regulations 1985, as amended.

The Regulations, which come into force on 1st September 1993, continue to restrict the marketing in Great Britain of seeds of oil and fibre plants to specified categories meeting prescribed standards (regulations 3(3), 5(1) and Schedule 4), to require such seeds to be sold in sealed packages labelled or marked with prescribed particulars (regulations 8 and 9 and Schedule 6) and to make tampering with labels prescribed by regulations an offence (regulation 9(14)). The Regulations also continue to make provision for the taking of samples for the verification of standards (regulation 7 and Schedule 5) and provide that certain particulars stated or implied on a package of seeds are deemed to constitute a statutory warranty by the seller for the protection of the purchaser for the purpose of section 17 of the Plant Varieties and Seeds Act 1964 (regulation 10(1)).

The consolidation incorporates a provision, required under Council Directive [88/380/EEC](#) (OJNo. L187, 16.7.88, p.31), and previously dealt with by a General Licence under Regulation 5(3)(d) of the 1985 Regulations. This relates to the marketing to other Member States of seed in respect of which an official certificate has not been issued (regulation 5(12) and Schedule 6 Part I G).

The Regulations implement Council Directive [69/208/EEC](#) (OJ No. L169, 10.7.69, p.3) (OJ/SE 1969(ii), p.315) on the marketing of seed of oil and fibre plants as amended.