
STATUTORY INSTRUMENTS

1993 No. 2008

The Vegetable Seeds Regulations 1993

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, for the time being, 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, Pre-basic Seed, Basic Seed, Certified Seed or Standard Seed, 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), (5), (6), (7), (9), (10) and (12) and which—
 - (i) in the case of Standard Seed or a small package of seeds, have been sealed in accordance with 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—
 - (i) Standard Seed which has been sealed in accordance with regulation 8(3) and labelled in accordance with regulation 9(6) and (7), or
 - (ii) Seeds 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) Except as provided in paragraph (3) below, no person shall market any seeds comprising a mixture of kinds of seeds or varieties of seeds of the same kind.

(3) Mixtures of different varieties of Standard Seed of lettuce or of different varieties of Standard Seed of radish may be marketed, subject to compliance with the additional requirement as to labelling in Part III of Schedule 6, in packages containing not more than 50 grams of seed and paragraph (1) above shall not prevent the marketing of kinds or varieties of vegetable seeds included in mixtures of seeds permitted by the Fodder Plant Seeds Regulations 1993(1), but each constituent of such mixtures, to which these Regulations apply, shall consist of seeds meeting the requirements of paragraph (1) above.

(4) 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 Pre-basic Seed, Basic Seed, Certified Seed or Standard 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 3 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.
- (5) 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.
- (6) 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(4), 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.
- (7) 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 or any part of the seed lot may, subject to the requirements of paragraph (9) 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.
- (8) The provisions of paragraph (7) 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.
- (9) A person who sells any seeds in accordance with paragraph (7) 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, of the date on which the purchaser was informed of the result of the completed official germination test.
- (10) Paragraphs (6) and (7) of this regulation 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, or Basic Seed produced in a Member State.
- (11) Notwithstanding the requirements of regulation 32(1) and (2) of the Seeds (National Lists of Varieties) Regulations 1982, and paragraph (1) above, any person may market Standard Seed of asparagus, chicory, sprouting broccoli or calabrese which is not of a variety which is entered in a National List or the Common Catalogue or which is marketed otherwise than under a varietal name.
- (12) 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.

(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 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 IC and in accordance with the provisions laid down in regulations 8 and 9.