

**1999 No. 2196**

**SEEDS**

**The Cereal Seeds (Amendment) (England) Regulations 1999**

<i>Made - - - -</i>	<i>3rd August 1999</i>
<i>Laid before Parliament</i>	<i>5th August 1999</i>
<i>Coming into force</i>	<i>6th September 1999</i>

The Minister of Agriculture, Fisheries and Food, in relation to England, in exercise of the powers conferred on him by sections 16(1) and (1A) and 36 of the Plant Varieties and Seeds Act 1964<sup>(a)</sup> after consultation in accordance with the said section 16(1) with representatives of such interests as appear to him to be concerned, hereby makes the following Regulations:

**Title and commencement**

**1.** These Regulations may be cited as the Cereal Seeds (Amendment) (England) Regulations 1999, shall apply only to England and shall come into force on 6th September 1999.

**Amendment of the Cereal Seeds Regulations 1993**

**2.—(1)** The Cereal Seeds Regulations 1993<sup>(b)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3(3) (interpretation)—

- (a) in sub-paragraph (b) of the definition of “Basic Seed”, for the words “and rye” there shall be substituted the words “, rye and self-pollinating triticale”; and
- (b) in the definition of “Certified Seed”, for the words “spelt wheat and rye” both times they appear there shall be substituted the words “spelt wheat and self-pollinating triticale”.

(3) Paragraph 2 (varietal identity and varietal purity) of Part I of Schedule 4 shall become paragraph 2(1), and the following new sub-paragraph shall be inserted after it—

“(2) The crop shall have sufficient varietal identity and varietal purity. In the case of an inbred line, the crop shall have sufficient varietal identity and purity as regards its characteristics. For the production of seed of hybrid varieties, the requirement for sufficient varietal identity and purity shall apply also to the characteristics of the components, including characteristics as to male sterility and fertility restoration.”.

(4) In paragraph 6 (standards for varietal purity, species purity and wild oats) of Part I of Schedule 4—

(a) for the heading to the third column to the table there shall be substituted—

“Varietal purity (excluding rye!, maize# and self-pollinating varieties of triticale Ø) percentage by number”; and

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<sup>(a)</sup> 1964 c. 14; section 16 was amended by section 4(1) of and paragraph 5(1), (2) and (3) of Schedule 4 to the European Communities Act 1972 (c. 68). See section 38(1) for a definition of “the Minister”. Under the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State.

<sup>(b)</sup> S.I. 1993/2005, the relevant amending instruments are S.I. 1995/1482 and 1999/1860.

(b) below footnote # there shall be added the following footnote–

“∅ The varietal purity of self-pollinating varieties of triticale percentage by number shall be 99.7 for Basic Seed and 99.0 for Certified Seed of the First Generation.”.

(5) After paragraph 9 (special conditions for hybrids of rye) of Part I of Schedule 4 there shall be inserted the following paragraph–

**“Special conditions for crops to produce hybrids of oats, barley, wheat, durum wheat, spelt wheat and self-pollinating triticale**

10. (a) The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination. The minimum distance of the female component shall be 25 metres from any other variety of the same species except from a crop of the male component. This distance may be disregarded if there is sufficient protection from any undesirable foreign pollination.

(b) The crop shall have sufficient identity and purity as regards the characteristics of the components.

(c) Where seed is produced by use of a chemical hybridisation agent, the crop shall conform to the following standards or other conditions–

(i) the minimum varietal purity of each component shall be–

(a) oats, barley, wheat, durum wheat and spelt wheat 99.7%

(b) self-pollinating triticale 99.0%;

(ii) the minimum hybridity shall be 95%. The percentage hybridity shall be assessed in accordance with current international methods, in so far as such methods exist. In cases where the hybridity is determined during seed testing prior to certification, the determination of the hybridity during field inspection need not be done.”.

(6) For paragraph 1 of Part II of Schedule 4 (conditions relating to the seeds) there shall be substituted–

1. The seeds shall possess the varietal identity and the varietal purity (appropriate to the kind, category and level of the seeds) specified in Part I. In the case of seed of an inbred line, it shall possess the varietal identity and the varietal purity (appropriate to the kind, category and level of the seeds) specified in Part I as regards its characteristics. For the seed of hybrid varieties, the requirements as to varietal identity and varietal purity (appropriate to the kind, category and level of the seeds) specified in Part I, other than the requirement as to varietal purity of Basic Seed specified in the third column of the table in paragraph 6 of Part I, shall apply also to the characteristics of the components. For hybrids of oats, barley, wheat, durum wheat, spelt wheat and self-pollinating triticale, the minimum varietal purity of the seed of the category “Certified Seed” shall be 90%. It shall be examined in official post-control tests on an appropriate proportion of samples.”.

(7) In paragraph 3 of Part II of Schedule 4–

(a) for–

“Germination (% by number)	All categories	85	85”
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there shall be substituted–

“Germination (% by number)	All categories	85	85
	(except triticale)		
	Triticale	80	–”; and

- (b) in the table headed “Minimum Standard—maximum number of other seeds or structures in 500g.”, in the third box down in the first column, there shall be inserted before the words “Certified Seed of the First Generation” the words “Certified Seed,”.

3rd August 1999

*Elliot Morley*  
Parliamentary Secretary,  
Ministry of Agriculture, Fisheries and Food

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply only to England, implement Commission Directive 99/8/EC (O.J. No. L50, 26.2.99, p. 26) and Commission Directive 99/54/EC (O.J. No. L142, 5.6.99, p. 30) amending Council Directive 66/402/EEC (O.J. No. L125, 11.7.66, p. 2309/66) (O.J./S.E. 1965–66, p. 143) on the marketing of cereal seed by amending the Cereal Seeds Regulations 1993 as amended (the 1993 Regulations).

These Regulations amend the 1993 Regulations to permit the marketing of seeds of hybrids of self-pollinating varieties of triticale as Basic Seed and Certified Seed (regulation 2(2) and (4)). They also establish, in respect of this hybrid and hybrids of oats, barley, wheat, durum wheat and spelt wheat, conditions to be met both by the crops from which seeds are obtained and by the seeds themselves (regulation 2(3), (4), (5) and (6)).

These Regulations also amend the 1993 Regulations to reduce the minimum germination requirement for triticale from 85 per cent to 80 per cent and introduce sample purity standards (at the Minimum Standard) for Certified Seed (regulation 2(7)).

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