
STATUTORY INSTRUMENTS

2002 No. 3172

The Fodder Plant Seed (England) Regulations 2002 (revoked)

PART III

CONTROL OF FODDER PLANT SEED

Marketing of seed

15.—(1) Subject to paragraph (2) and regulations 19 to 22, no person shall market any seed to which these Regulations apply except for seed listed in Schedule 6.

(2) Paragraph (1) shall not apply to the marketing of seed, as grown, for processing, provided that the identity of the seed is ensured.

(3) Any person marketing seed that has been imported from a third country and exceeds two kilograms shall supply the Secretary of State, in writing and within one month of the first marketing of the seed, with the following particulars relating to the seed—

- (a) the species;
- (b) the variety;
- (c) the category;
- (d) the country of production and the official inspection authority;
- (e) the country of despatch;
- (f) the importer; and
- (g) the quantity of seed.

Marketing of HVS seed

16.—(1) This regulation applies to the marketing of officially certified CS seed of an HVS species of seed where any label or notice affixed to, contained in or marked on any package containing the seed, any document accompanying the seed or any particulars displayed in respect of the seed, states or indicates that the seed attains the Higher Voluntary Standards for such seed.

(2) Where any person markets seed to which this regulation applies, the person marketing the seed shall be deemed to state for the purposes of these Regulations, and in relation to the particulars given to a purchaser, that—

- (a) the seed meets the Higher Voluntary Standards for such seed laid down in Part II of Schedule 4, and
- (b) a successful application has been made to the Secretary of State under paragraph (3) verifying that the seed has attained those standards.

(3) An application for verification that CS seed of an HVS species of seed has attained the Higher Voluntary Standards for such seed may be made to the Secretary of State in such form and manner and containing such information and accompanied by such documents as the Secretary of State may

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require and the Secretary of State shall grant the application if the Secretary of State is satisfied that the seed meets the Higher Voluntary Standards for such seed laid down in Part II of Schedule 4.

Marketing of officially certified lower germination seed

17. No person shall market officially certified pre-basic or basic seed that has been found by the competent seed certification authority that certified the seed not to satisfy the germination condition for such seed, or (regardless of the findings of the competent seed certification authority) the person marketing the seed knows does not satisfy that condition, unless—

- (a) the official label contains a statement that the minimum percentage of germination of the seed is less than the EC minimum percentage of germination for the relevant category of seed;
- (b) the person marketing the seed guarantees a specific minimum percentage of germination for the seed; and
- (c) another label is attached to the outside of the package containing the seed specifying the specific minimum percentage of germination guaranteed by the person marketing the seed, his name and address and the reference number of the seed lot.

Marketing of officially certified early movement seed

18.—(1) No person shall market officially certified early movement pre-basic or basic seed unless—

- (a) he guarantees a minimum percentage of germination for the seed that is—
 - (i) the same as the EC minimum percentage of germination for the relevant species of seed and the same as or less than the percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based, or
 - (ii) less than the EC minimum percentage of germination for the relevant species of seed and the same as the percentage of germination ascertained by the provisional analysis on which the certification of the seed was based, and
- (b) he provides the purchaser, upon or before delivery of the seed, with a statement—
 - (i) stating that the seeds are being marketed before the completion of the official germination test;
 - (ii) specifying the guaranteed minimum percentage of germination; and
 - (iii) specifying the name and address of the person marketing the seed and the reference number of the seed lot.

(2) No person shall market officially certified early movement CS, C1, C2 or commercial seed unless—

- (a) he guarantees a minimum percentage of germination for the seed that is—
 - (i) the same as the EC minimum percentage of germination for the relevant species of seed, and
 - (ii) the same as, or less than, the percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based, and
- (b) he provides the purchaser, upon or before delivery of the seed, with a statement—
 - (i) stating that the seeds are being marketed before the completion of the official germination test;
 - (ii) specifying the guaranteed minimum percentage of germination; and

(iii) specifying the name and address of the person marketing the seed and the reference number of the seed lot.

(3) Where any person—

- (a) markets seed in accordance with paragraph (1) or (2), and
- (b) the official germination test shows that the percentage of germination of the seed is less than the minimum percentage of germination guaranteed in accordance with the requirements of paragraph (1)(a) or (2)(a) as the case may be,

he shall provide the purchaser with the result of the completed official germination test as soon as practicable and, in any event, not later than seven days after being informed of it.

[^{F1}Exception for preservation mixtures

18A.—(1) The prohibition in regulation 15(1) shall not apply to the marketing by a person of a preservation mixture for which an authorisation has been granted to that person by the Secretary of State in accordance with this regulation.

(2) A person may apply to the Secretary of State for the grant or renewal of a regulation 18A authorisation.

(3) A regulation 18A authorisation shall last for a period of one year.

(4) An application for grant or renewal of a regulation 18A authorisation shall be made in such form and manner and at such time as the Secretary of State may require and shall be accompanied by such information as the Secretary of State may require for the purpose of determining whether to grant or renew the authorisation.

(5) The Secretary of State shall not grant or renew a regulation 18A authorisation unless—

- (a) she has sufficient information relating to the origin of the seed in the preservation mixture and the intended use of the preservation mixture as to be satisfied that the proposed marketing of the preservation mixture is suitable for the purpose of the authorisation; and
- (b) she is satisfied that the preservation mixture comprises seed only of species that are native to Great Britain.

(6) A regulation 18A authorisation—

- (a) may specify the amount of seed that may be marketed under it;
- (b) may impose conditions relating to the retention and production of samples of the preservation mixture;
- (c) shall specify the natural environments and the regions in England for which the preservation mixture is suitable for use;
- (d) shall impose conditions relating to—
 - (i) the keeping and production of records in respect of the collection, preparation and marketing of the preservation mixture; and
 - (ii) the labelling of the preservation mixture for the purposes of ensuring proper identification and traceability of the seed.]

Textual Amendments

F1 Reg. 18A inserted (26.10.2005) by [The Fodder Plant Seed \(England\) \(Amendment\) Regulations 2005 \(S.I. 2005/2673\)](#), regs. 1, **2(3)**

Exception for scientific purposes and selection work

19.—(1) The prohibition in regulation 15(1) shall not apply to the marketing by a producer of small quantities of seed for scientific purposes or selection work for which—

- (a) an authorisation has been granted to the producer by the Secretary of State in accordance with this regulation, or
- (b) an authorisation has been granted to the producer by or on behalf of—
 - (i) the Scottish Ministers;
 - (ii) the National Assembly for Wales;
 - (iii) the Department of Agriculture and Rural Development; or
 - (iv) a competent seed certification authority in another member State, pursuant to Article 4a(1)(a) of the Fodder Plant Seed Directive.

(2) A producer in England may apply to the Secretary of State for a regulation 19 authorisation.

(3) An application made under this regulation shall be made in such form and manner and at such time as the Secretary of State shall require and shall be accompanied by such information as the Secretary of State may require for the purpose of determining whether to grant an authorisation.

[^{F2}(4) The Secretary of State shall not grant a regulation 19 authorisation in respect of seed of a genetically modified variety unless an authorisation is in force in respect of the variety concerned under either—

- (a) Part C of the Deliberate Release Directive; or
 - (b) the Food and Feed Regulation.]
- (5) A regulation 19 authorisation may—
- (a) specify the amount of seed that may be marketed under it, and
 - (b) impose such conditions as the Secretary of State may think necessary or desirable having regard to the nature of the scientific purpose or selection work involved and the nature of the seed to which the authorisation relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

Textual Amendments

F2 Reg. 19(4) substituted (8.10.2004) by [The Fodder Plant Seed \(England\) \(Amendment\) Regulations 2004 \(S.I. 2004/2387\)](#), regs. 1, **2(8)**

Exception for tests and trials

[^{F3}**20.**—(1) The prohibition in regulation 15(1) shall not apply to the marketing by a producer of seed for test and trial purposes in accordance with—

- (a) an authorisation which has been granted to the producer by the Secretary of State in accordance with this regulation; or
- (b) an authorisation which has been granted to the producer by or on behalf of—
 - (i) the Scottish Ministers;
 - (ii) the National Assembly for Wales;
 - (iii) the Department of Agriculture and Rural Development; or
 - (iv) a competent seed certification authority in another member State, in accordance with Article 2(1) of the 2004 Commission Decision.

- (2) No producer shall market test and trial seed—
 - (a) except for the purposes of tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of a variety of a fodder plant species specified in Schedule 2.
 - (b) unless a field inspection report has been issued by the Secretary of State or by a licensed crop inspector stating that—
 - (i) for the following plant species, the seed satisfies the conditions for C2 seed laid down in Schedule 3—
 - (aa) field bean; and
 - (bb) field pea;
 - (ii) for plant species other than field bean and field pea, the seed satisfies the conditions for CS seed laid down in Schedule 3;
 - (c) unless a seed test report has been issued by the Secretary of State or by a licensed seed testing station stating that—
 - (i) for the following plant species, the seed meets the conditions for C2 seed laid down in Schedule 4—
 - (aa) field bean; and
 - (bb) field pea;
 - (ii) for plant species other than field bean and field pea, the seed satisfies the conditions for CS seed laid down in Schedule 4; or
 - (d) if such marketing would contravene a prohibition on the use of the variety published by the Secretary of State in the gazette that complies with Article 14 of the 2004 Commission Decision.
- (3) A producer of seed established in England may apply to the Secretary of State for the grant or renewal of a regulation 20 authorisation.
- (4) A regulation 20 authorisation granted by the Secretary of State shall last for a period of one year or such shorter period as the Secretary of State may specify.
- (5) An application for authorisation or renewal of a regulation 20 authorisation shall be made in writing to the Secretary of State and shall be accompanied by such information as the Secretary of State may require.
- (6) The Secretary of State shall not grant a regulation 20 authorisation unless he is satisfied that—
 - (a) the seed is of a variety for which an application has been made by the producer under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a National List and which application has not been withdrawn or finally determined; and
 - (d) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety under either—
 - (i) Part C of the Deliberate Release Directive; or
 - (ii) the Food and Feed Regulation.
- (7) The Secretary of State shall not authorise marketing of an amount of seed in excess of that permitted by Article 7 of the 2004 Commission Decision.
- (8) A regulation 20 authorisation may impose such conditions as the Secretary of State may think necessary or desirable having regard to the nature of the test or trial and the nature of the seed to which the authorisation relates.

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(9) The Secretary of State may withdraw a regulation 20 authorisation where there is a breach of any condition referred to in paragraph (8).

(10) A regulation 20 authorisation shall cease to have effect where the application referred to in paragraph (6)(a) is withdrawn or rejected or the variety is entered in a National List or the Common Catalogue.

(11) The Secretary of State may require a person to whom he has granted a regulation 20 authorisation to provide him with information about—

- (a) the results of the tests and trials to which the authorisation relates; or
- (b) the quantities of seed marketed during the authorised period and the name of the member State for which the seed was destined.

(12) A producer to whom a regulation 20 authorisation has been granted shall, within such period as is specified by the Secretary of State, lodge copies of the reports referred to in paragraphs (2) (b) and (c) with him.]

Textual Amendments

F3 Reg. 20 substituted (23.9.2006) by [The Seed \(England\) \(Amendments for Tests and Trials etc.\) Regulations 2006 \(S.I. 2006/2314\)](#), regs. 1, **4(3)**

General exemptions

21.—(1) The prohibition in regulation 15(1) shall not apply to the marketing of seed that is authorised by a general licence made by the Secretary of State under this regulation but in all other respects the provisions of these Regulations shall continue to apply in relation to the marketing of the seed.

(2) Subject to paragraph (3), the Secretary of State may, by a general licence, exempt any person or class of persons, or persons generally, from compliance with any provision of these Regulations.

(3) The Secretary of State shall not exercise the power to issue a general licence under paragraph (2) except—

- (a) to the extent that the provisions of the general licence are permitted in accordance with a temporary experiment organised under Article 13a of the Fodder Plant Seed Directive;
- (b) to give effect to the provisions of a Council Decision made under Article 16 of the Fodder Plant Seed Directive and amendments made to such a Decision; or
- (c) to the extent that the provisions of the general licence are permitted in accordance with measures taken pursuant to Article 17 of the Fodder Plant Seed Directive.

(4) A general licence issued under paragraph (2)—

- (a) shall have effect during the period specified in it unless the Secretary of State revokes it earlier, and
- (b) may impose such conditions as the Secretary of State may think necessary or desirable having regard to the marketing permitted by the general licence and the nature of the seed to which it relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

Mixtures

22.—(1) The prohibition in regulation 15(1) shall not apply to the marketing of a mixture of various genera, species or varieties of seeds that includes seed to which these Regulations apply and that is not intended to be used to produce fodder plants if—

- (a) the seed in the mixture to which these Regulations apply complied, before mixing, with the relevant provisions of these Regulations, and
 - (b) if any seeds in the mixture are cereal seeds, oil and fibre plant seeds or vegetable seeds, they complied, before mixing, with the relevant provisions of the Cereal Seed (England) Regulations 2002(1), the Oil and Fibre Plant Seed (England) Regulations 2002(2) or the Vegetable Seed (England) Regulations 2002(3) respectively.
- (2) The prohibition in regulation 15(1) shall not apply to the marketing of a mixture of various genera, species or varieties of seeds that is intended to be used to produce a mixture of plants, including plants of a species specified in Schedule 2, which are intended for use as fodder plants, if—
- (a) the seed in the mixture is a mixture of seed to which these Regulations apply and the seed in the mixture complied, before mixing, with the relevant provisions of these Regulations, or
 - (b) the seed in the mixture is a mixture of—
 - (i) seed to which these Regulations apply that complied, before mixing, with the relevant provisions of these Regulations; and
 - (ii) cereal seeds, oil and fibre plant seeds or vegetable seeds to which the Cereal Seed (England) Regulations 2002, the Oil and Fibre Plant Seed (England) Regulations 2002 or the Vegetable Seed (England) Regulations 2002 respectively apply and that complied, before mixing, with the relevant provisions of those Regulations, andthe mixture does not include any grass seed of a variety which has not been examined for its value for cultivation and use for the purposes of Article 4(1) of the Common Catalogue Directive because the breeder has declared that seed of that variety is not intended for the production of fodder plants.
- (3) A person who wishes to market a mixture of seeds to which paragraph (1) or (2) applies without including the percentage by weight of each of the components by species and, where appropriate, by variety on the label referred to in regulation 26(11), (12) or (13) may apply to the Secretary of State to register the mixture.
- (4) An application referred to in paragraph (3) shall include the name under which the mixture is to be marketed and the percentage, by weight, of each of the components by species and, where appropriate, by variety.
- (5) The Secretary of State shall register a mixture in respect of which an application has been made under paragraph (3) and in accordance with paragraph (4) if the name under which the mixture is to be marketed has not already been registered with her.
- (6) Any person who sells or supplies a package (other than a small EC A or EC B package) containing a registered mixture of seeds and does so under its registered name and without including—
- (a) the species and, where appropriate, the variety of each of the components in the mixture, and
 - (b) the percentage by weight of each of those components,
- on the label referred to in regulation 26(11), shall, on or before the sale or supply of such package, provide the person to whom the package of seeds is sold or supplied with a notice containing the information referred to in sub-paragraphs (a) and (b).
- (7) Any person (“the seller”) who sells or supplies a small EC A or EC B package containing a registered mixture of seeds produced in the United Kingdom and does so—
- (a) under its registered name, and

(1) [S.I.2002/3173](#).

(2) [S.I. 2002/3174](#).

(3) [S.I. 2002/3175](#).

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- (b) in a package that includes the species and, where appropriate, the variety of each of the components in the mixture on the label referred to in regulation 26(12) in the case of a small EC A package of seeds and regulation 26(13) in the case of a small EC B package of seeds, but does not include the percentage by weight of each of those components in the mixture,

shall, on or before the sale or supply of such seed, notify the person (“the purchaser”) to whom the package of seeds is sold or supplied that the seller shall provide the information relating to the percentage by weight of each of the components in the mixture to the purchaser on request.

(8) A person who has registered a mixture of seeds with the Secretary of State in accordance with this regulation may apply to the Secretary of State to cancel the registration and the Secretary of State, having received such an application, shall cancel the registration and notify the applicant that this has been done.

Sampling

23.—(1) A sample of seeds taken in connection with an application under [^{F4}regulation 6, 11, 13 or 20] shall be drawn—

- (a) by an authorised officer or a licensed seed sampler acting under the supervision of the authority who appointed him;
- (b) in accordance with the method laid down in Schedule 5 of the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002(4); and
- (c) from a homogeneous seed lot.

(2) Subject to paragraph (4), the maximum weight of a seed lot, other than a seed lot of a mixture of seeds to which regulation 22(1) or (2) applies, shall be that set out in column (2) of the table in Schedule 7.

[^{F5}(3) Subject to paragraph (4), the maximum weight of a seed lot of a mixture of seeds to which regulation 22(1) or (2) applies shall be 10 tonnes except that—

- (a) where more than 50% of the mixture consists of a species of seed for which the maximum weight of a seed lot prescribed in seed regulations is 20 tonnes, the maximum weight of the seed lot shall be 20 tonnes; and
- (b) where more than 50% of the mixture consists of a species of seed for which the maximum weight of a seed lot prescribed in seed regulations is 25 tonnes, the maximum weight of the seed lot shall be 25 tonnes.[^{F6};
- (c) where more than 50% of the mixture consists of a species of seed for which the maximum weight of a seed lot prescribed in seed regulations is 30 tonnes, the maximum weight of the seed lot shall be 30 tonnes]]

(4) A seed lot may exceed the maximum weight for a seed lot required under paragraph (2) or (3) by not more than 5%.

(5) The minimum weight of a sample shall be that set out in column (3) of the table in Schedule 7.

(6) If a sample of seeds submitted or taken in connection with an application made under [^{F7}regulation 6, 11, 13 or 20] —

- (a) is found not to have been taken in accordance with paragraph (1);
- (b) is taken from a seed lot that does not comply with paragraph (2) or (3); or
- (c) does not comply with paragraph (5);

no further use of that sample shall be made under these Regulations, and any findings or results already obtained from testing seed taken from that sample, or from inspecting plants grown in a control plot that has been sown with seed from that sample, shall be disregarded.

Textual Amendments

- F4** Words in reg. 23(1) substituted (23.9.2006) by [The Seed \(England\) \(Amendments for Tests and Trials etc.\) Regulations 2006 \(S.I. 2006/2314\)](#), regs. 1, **4(4)**
- F5** Reg. 23(3) substituted (8.10.2004) by [The Fodder Plant Seed \(England\) \(Amendment\) Regulations 2004 \(S.I. 2004/2387\)](#), regs. 1, **2(10)**
- F6** Reg. 23(3)(c) and semicolon added (19.7.2006) by [The Cereal Seed \(England\) and Fodder Plant Seed \(England\) \(Amendment\) Regulations 2006 \(S.I. 2006/1678\)](#), regs. 1, **3(2)**
- F7** Words in reg. 23(6) substituted (23.9.2006) by [The Seed \(England\) \(Amendments for Tests and Trials etc.\) Regulations 2006 \(S.I. 2006/2314\)](#), regs. 1, **4(4)**

Packaging

24.—(1) No person shall market—

- (a) any officially certified pre-basic, basic, CS, C1, C2 or commercial seed, or
- (b) a mixture of seeds to which regulation 22 applies,

unless it is marketed in a sufficiently homogeneous seed lot or in part of such a seed lot.

(2) Subject to paragraph (3), no person shall market—

- (a) any breeder's seed;
- (b) officially certified pre-basic, basic, CS, C1, C2 or commercial seed; or
- (c) a mixture of seeds to which regulation 22 applies, [^{F8}; or
- (d) test and trial seed,]

unless it is in a properly sealed package

(3) [^{F9}Paragraph (2)(a), (b) and (c)] shall not apply in the case of—

- (a) the marketing to the final consumer of—
 - (i) seed of field beans or field peas not exceeding 3 kilograms in weight;
 - (ii) seed, other than seed of field beans and field peas, not exceeding 2 kilograms in weight; or
 - (iii) a mixture of seeds to which the provisions of regulation 22(1) and (2) apply not exceeding 7 kilograms in weight, or
- (b) the marketing of officially certified C1 or C2 seed of field beans or field peas in bulk direct to the final consumer in a container that is closed after filling and in respect of which the person marketing the seed delivers a note to the final consumer containing the information that, if the seed had been contained in a package, would need to have been given on the official label on such package in accordance with regulation 26(7).

(4) In this regulation, in the case of breeder's seed, "properly sealed package" means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(5) In this regulation, in the case of a package of seed to which paragraph (6) applies and that has been sealed only once, "properly sealed package" means—

- (a) in the case of a package of seed sealed in England, a sealed package of seed that has been sealed—

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- (i) no later than at the time of official sampling;
 - (ii) by a person to whom regulation 25(5) applies;
 - (iii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
 - (iv) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;
- (b) in the case of a package of seed sealed in—
- (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,
- a sealed package of seed that has been sealed in accordance with the provisions of Article 9(1) of the Fodder Plant Seed Directive;
- (c) in the case of a package of seed sealed in an equivalent third country, a sealed package of seed that has been sealed in accordance with the provisions of [F¹⁰ paragraph 1 of Part B of Annex II to the Third Country Equivalence Decision] .
- (6) This paragraph applies to a package of officially certified pre-basic, basic, CS, C1, C2 or commercial seed other than a small EC B package of basic, CS, C1, C2 or commercial seed.
- (7) In this regulation, in the case of a package of seed to which paragraph (8) applies and that has been sealed only once, “properly sealed package” means—
- (a) in the case of a package of seed sealed in England, a sealed package of seed that has been sealed—
 - (i) by a person to whom regulation 25(5) applies;
 - (ii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
 - (iii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package, or
 - (b) in the case of a package of seed sealed in—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,a sealed package of seed that has been sealed in accordance with the provisions of Article 9(1) of the Fodder Plant Seed Directive.
- (8) This paragraph applies to a package of a mixture of seeds to which regulation 22 applies other than a small EC A or B package of such seed.
- (9) In this regulation, in the case of a package of seed to which paragraph (10) applies and that has been sealed only once, “properly sealed package” means—
- (a) in the case of a package of seed sealed in England, a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package,
 - (b) in the case of a package of seed sealed in—
 - (i) the United Kingdom, elsewhere than in England, or
 - (ii) another member State,a sealed package of seed that has been sealed in accordance with the relevant provisions of Article 9(3) of the Fodder Plant Seed Directive.
- (10) This paragraph applies to—

- (a) a small EC A or B package of a mixture of seeds to which regulation 22 applies, and
 - (b) a small EC B package of officially certified basic, CS, C1, C2 or commercial seed.
- (11) In this regulation, in the case of a package of seed to which paragraph (12) applies and that has been sealed more than once, “properly sealed package” means—
- (a) in the case of a package of seed that has been resealed in England, a sealed package of seed that, on each occasion it has been resealed, has been resealed—
 - (i) by a person to whom regulation 25(5) applies, and
 - (ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;
 - (b) in the case of a package of seed that has been resealed in—
 - (i) the United Kingdom, elsewhere than in England, or
 - (ii) another member State,a sealed package of seed that, on each occasion it has been resealed, has been sealed in accordance with the provisions of Article 9(2) of the Fodder Plant Seed Directive; and
 - (c) in the case of seed that has been resealed in an equivalent third country, a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with the provisions of [F11] paragraph 1 of Part B of Annex II to the Third Country Equivalence Decision] .
- (12) This paragraph applies to—
- (a) a package of officially certified pre-basic, basic, CS, C1, C2 or commercial seed, other than a small EC B package of officially certified basic, CS, C1, C2 or commercial seed, and
 - (b) a package of a mixture of seeds to which regulation 22 applies, other than a small EC A or B package of such seeds.
- (13) In this regulation, in the case of a package of seed to which paragraph (14) applies and that has been sealed more than once, “properly sealed package” means—
- (a) in the case of a package of seed that has been resealed in England, a sealed package of seed that, on each occasion it has been resealed, has been resealed—
 - (i) by a person to whom regulation 25(5) applies, and
 - (ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package, and
 - (b) in the case of a package of seed that has been resealed in—
 - (i) the United Kingdom, elsewhere than in England, or
 - (ii) another member State,a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with the provisions of Article 9(3) of the Fodder Plant Seed Directive.
- (14) This paragraph applies to—
- (a) a small EC A or B package of a mixture of seeds to which regulation 22 applies, and
 - (b) a small EC B package of officially certified basic, CS, C1, C2 or commercial seed.
- [F12](15) In this regulation, in the case of test and trial seed, a “properly sealed package” means—
- (a) in the case of a package of seed sealed in England, a package of seed that has been sealed—
 - (i) by a person to whom regulation 25(5) applies;
 - (ii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and

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- (iii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; and
- (b) in the case of a package of seed sealed in—
 - (i) the United Kingdom, elsewhere than in England, or
 - (ii) another member State,
 a package of seed that has been sealed in accordance with the provisions of Article 8 of the 2004 Commission Decision.]

Textual Amendments

- F8** Reg. 24(2)(d) and word inserted (23.9.2006) by [The Seed \(England\) \(Amendments for Tests and Trials etc.\) Regulations 2006 \(S.I. 2006/2314\)](#), regs. 1, **4(5)(a)**
- F9** Words in reg. 24(3) substituted (23.9.2006) by [The Seed \(England\) \(Amendments for Tests and Trials etc.\) Regulations 2006 \(S.I. 2006/2314\)](#), regs. 1, **4(5)(b)**
- F10** Words in reg. 24(5)(c) substituted (8.10.2004) by [The Fodder Plant Seed \(England\) \(Amendment\) Regulations 2004 \(S.I. 2004/2387\)](#), regs. 1, **2(11)(a)**
- F11** Words in reg. 24(11)(c) substituted (8.10.2004) by [The Fodder Plant Seed \(England\) \(Amendment\) Regulations 2004 \(S.I. 2004/2387\)](#), regs. 1, **2(11)(b)**
- F12** Reg. 24(15) inserted (23.9.2006) by [The Seed \(England\) \(Amendments for Tests and Trials etc.\) Regulations 2006 \(S.I. 2006/2314\)](#), regs. 1, **4(5)(c)**

Sealing of packages

- 25.**—(1) Subject to paragraph (2), no person shall seal a package of—
- (a) officially certified pre-basic, basic, CS, C1, C2 or commercial seed, or
 - (b) a mixture of seeds to which regulation 22 applies,
- except a person to whom paragraph (5) applies.
- (2) Paragraph (1) shall not apply in the case of—
- (a) a small EC A or B package of a mixture of seeds to which regulation 22 applies, or
 - (b) a small EC B package of officially certified basic, CS, C1, C2 or commercial seed.
- (3) Subject to paragraph (4), no person shall reseal a package of—
- (a) officially certified pre-basic, basic, CS, C1, C2 or commercial seed, or
 - (b) a mixture of seeds to which regulation 22 applies,
- except a person to whom paragraph (5) applies.
- (4) Paragraph (3) shall not apply where a package has been resealed that had previously been opened by the final consumer of the seed for the purpose of using some of the seed in the package.
- [^{F13}(4A) No person shall seal or reseal a package of test and trial seed except a person to whom paragraph (5) applies.]
- (5) This paragraph applies to—
- (a) an authorised officer and any person being supervised by such a person, and
 - (b) a licensed seed sampler and any person being supervised by such a person.

Textual Amendments

- F13** Reg. 25(4A) inserted (23.9.2006) by The Seed (England) (Amendments for Tests and Trials etc.) Regulations 2006 (S.I. 2006/2314), regs. 1, 4(6)

Labelling of packages

26.—(1) Subject to paragraphs (2), (3) and (4), no person shall market any—

- (a) breeder's seed;
- (b) officially certified pre-basic, basic, CS, C1, C2 or commercial seed; or
- (c) a mixture of seeds to which regulation 22(1) or (2) applies^{F14}; or
- (d) test and trial seed,]

except in a package that is labelled in accordance with the following paragraphs of this regulation.

(2) Paragraph (1) shall not apply to the marketing of seed, as grown, for processing provided the identity of the seed is ensured.

(3) Paragraph (1) shall not apply to the marketing in bulk of officially certified C1 or C2 seed of field beans or field peas direct to the final consumer in a container that is closed after filling and in respect of which the person marketing the seed delivers a note to the final consumer, not later than the time of delivery of the seed, containing the information given on the official label on the container from which the seed was taken.

(4) A person may market any seeds ^{F15}, other than test and trial seed,] otherwise than in a package that complies with the other provisions of this regulation direct to the final consumer where the seed is sold or supplied in a quantity not exceeding—

- (a) 3 kilograms in the case of seed of field beans or field peas;
- (b) 2 kilograms in the case of seed other than seed of field beans and field peas; or
- (c) 7 kilograms in the case of a mixture of seeds to which the provisions of regulation 22(1) or (2) apply,

and is taken, in the presence of the final consumer, 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 paragraph 1 of Schedule 8 in the case of seed of the species specified in sub-paragraph (a) and (b) of this paragraph and paragraph 2 of that Schedule in the case of seed of the type specified in sub-paragraph (c) of this paragraph.

(5) A package of breeder's seed shall be labelled in accordance with paragraphs 3 and 4 of Schedule 8.

(6) A package of officially certified pre-basic seed shall be labelled—

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 5 to 8 of Schedule 8, and
- (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,

in accordance with the provisions of Article 14a(c) of the Fodder Plant Seed Directive.

(7) A package of officially certified basic, CS, C1 or C2 seed, other than a small EC B package of such seed, shall be labelled—

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 9 to 13 of Schedule 8;

Status: Point in time view as at 23/09/2006.

Changes to legislation: There are currently no known outstanding effects for the The Fodder Plant Seed (England) Regulations 2002 (revoked), PART III. (See end of Document for details)

- (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,
 in accordance with the provisions of Article 10(1)(a) of the Fodder Plant Seed Directive as they apply to basic, CS, C1 or C2 seed; and
- (c) in the case of a package of basic, CS or C1 seed sealed in an equivalent third country, in accordance with the provisions of [F16 paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision] as they apply to that category of seed.
- (8) A small EC B package of officially certified basic, CS, C1 or C2 seed shall be labelled—
 - (a) in the case of a package of seed sealed in England, in accordance with paragraphs 14 to 16 of Schedule 8;
 - (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,
 in accordance with the provisions of Article 10a(1) of the Fodder Plant Seed Directive.
- (9) A package of officially certified commercial seed, other than a small EC B package of such seed, shall be labelled—
 - (a) in the case of a package of seed sealed in England, in accordance with paragraphs 17 to 21 of Schedule 8, and
 - (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,
 in accordance with the provisions of Article 10(1)(a) of the Fodder Plant Seed Directive as they apply to commercial seed.
- (10) A small EC B package of officially certified commercial seed shall be labelled—
 - (a) in the case of a package of seed sealed in England, in accordance with paragraphs 22 to 24 of Schedule 8;
 - (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,
 in accordance with the provisions of Article 10(a)(1) of the Fodder Plant Seed Directive.
- (11) A package of a mixture of seeds to which regulation 22(1) or (2) applies, other than a small EC A or B package of such seeds, shall be labelled—
 - (a) in the case of a package of seed sealed in England, in accordance with paragraphs 25 to 28 of Schedule 8;
 - (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,
 in accordance with the provisions of Article 10(1)(a) of the Fodder Plant Seed Directive as read with Article 13(3) of that Directive; and
- F17(c)
- (12) A small EC A package of a mixture of seeds to which regulation 22(1) or (2) applies shall be labelled—

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 29 to 31 of Schedule 8,
 - (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,in accordance with the provisions of Article 10a(1) of the Fodder Plant Seed Directive as read with Article 13(3) of that Directive.
- (13) A small EC B package of a mixture of seeds to which regulation 22(1) or (2) applies shall be labelled—
- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 32 to 34 of Schedule 8,
 - (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,in accordance with the provisions of Article 10a(1) of the Fodder Plant Seed Directive as read with Article 13(3) of that Directive.
- (14) A package of officially certified basic, CS, C1, C2 or commercial seed (other than a small EC B package of such seed) and a package of a mixture of seeds to which regulation 22(1) or (2) applies (other than a small EC A or B package of such seeds) shall contain a document that—
- (a) in the case of a package of seed sealed in England—
 - (i) is the same colour as the official label fixed to the outside of the package in accordance with the provisions of this regulation;
 - (ii) in the case of basic, CS, C1 or C2 seed contains the particulars specified in paragraph 9(c), (e) and (f) of Schedule 8;
 - (iii) in the case of commercial seed contains the particulars specified in paragraph 17(b), (d) and (f) of Schedule 8;
 - (iv) in the case of a registered mixture of seeds contains the particulars specified in paragraph 25(c) and (e) of Schedule 8; and
 - (v) in the case of a mixture of seeds other than a registered mixture of seeds contains the particulars specified in paragraph 25(c) and (f) of Schedule 8;
 - (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,is in accordance with the provisions of Article 10(1)(b) of the Fodder Plant Seed Directive as they apply to such seed and as read with Article 13.3 of that Directive in the case of a mixture of seeds to which regulation 22(1) or (2) applies; and
 - (c) in the case of a package of seed sealed in an equivalent third country, is in accordance with the provisions of [F¹⁸paragraph 3.3 of Part B of Annex II to the Third Country Equivalence Decision] as they apply to such seed.
- (15) The provisions of paragraph (14) shall not apply if—
- (a) the particulars specified in paragraph (14)(a)(ii), (iii) or (v) as appropriate are printed indelibly on the outside of the package, or
 - (b) the official label is an adhesive or a tear resistant label.

(16) Notwithstanding paragraph (7) a package of officially certified basic, CS, C1 or C2 seed may be marketed if—

- (a) the appropriate particulars of the matters specified in paragraphs 9(a) to (l) of Schedule 8, and if so desired the particulars specified in paragraph 10 of that Schedule, are printed or stamped indelibly on the package in a panel of at least the size specified in paragraph 11 of Schedule 8 and of the colour specified in paragraph 12 of Schedule 8, and
- (b) the requirements of Part VII of that Schedule are satisfied.

[^{F19}(16A) A package of test and trial seed shall be labelled—

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 42, 43 and 44 of Schedule 8; and
- (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in England, or
 - (ii) in another member State,
 in accordance with the provisions of Article 9 of the 2004 Commission Decision.]

(17) In the case of seed of a variety that has been genetically modified—

- (a) any label or document, official or otherwise, which is fixed to or accompanies a seed lot or any part of a seed lot under the provisions of these Regulations, and
- (b) any particulars given under paragraph (4),

shall clearly indicate that the variety has been genetically modified.

(18) If any breeder's seed or officially certified pre-basic, basic, CS, C1, C2 or commercial seed [^{F20}, a mixture of seeds to which regulation 22(1) or (2) applies or test and trial seed] has been subjected to any chemical treatment then this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either—

- (a) in a case where paragraph (3) or (4) applies, with the particulars given in accordance with that paragraph; and
- (b) in a case where paragraph (3) or (4) does not apply—
 - (i) on a separate supplier's label on the package; or
 - (ii) on the label required under paragraph (5), (6), (7), (8), (9), (10), (11), (12) [^{F21}, (13) or (16A)] ;

and also, except where the information prescribed by this paragraph is given on an adhesive or tear-resistant label, either on the outside of the package or on a document enclosed inside the package.

(19) Subject to paragraph (20), if a package of officially certified pre-basic, basic, CS, C1, C2 or commercial seed, other than a small EC A or EC B package of a mixture of seeds to which regulation 22(1) or (2) applies or a small EC B package of officially certified basic, CS, C1, C2 or commercial seed, has been resealed this fact shall be stated on the official label together with the date of resealing and the name of the authority responsible for the resealing.

(20) Where a package of seed of the type specified in p [^{F22}paragraph 11, 12(3), 17, 18(3), 25, 26(3), 26(4), 33, 34(3), 34(4), 40A, 41(3) and 41(4)] of Schedule 1 is resealed, the package shall be labelled with an OECD label containing the particulars otherwise required under this regulation.

(21) The particulars and the information given in accordance with this regulation shall be given in one of the official languages of any member State.

(22) 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 seed by himself or another person, wilfully

reproduce, remove, alter, deface, conceal or misuse in any way any label fixed to, contained in or marked on any package of seed or which is to be so fixed, contained or marked.

Textual Amendments

- F14** Reg. 26(1)(d) and word inserted (23.9.2006) by The Seed (England) (Amendments for Tests and Trials etc.) Regulations 2006 (S.I. 2006/2314), regs. 1, **4(7)(a)**
- F15** Words in reg. 26(4) inserted (23.9.2006) by The Seed (England) (Amendments for Tests and Trials etc.) Regulations 2006 (S.I. 2006/2314), regs. 1, **4(7)(b)**
- F16** Words in reg. 26(7)(c) substituted (8.10.2004) by The Fodder Plant Seed (England) (Amendment) Regulations 2004 (S.I. 2004/2387), regs. 1, **2(12)(a)**
- F17** Reg. 26(11)(c) repealed (8.10.2004) by The Fodder Plant Seed (England) (Amendment) Regulations 2004 (S.I. 2004/2387), regs. 1, **2(12)(b)**
- F18** Words in reg. 26(14)(c) substituted (8.10.2004) by The Fodder Plant Seed (England) (Amendment) Regulations 2004 (S.I. 2004/2387), regs. 1, **2(12)(c)**
- F19** Reg. 26(16A) inserted (23.9.2006) by The Seed (England) (Amendments for Tests and Trials etc.) Regulations 2006 (S.I. 2006/2314), regs. 1, **4(7)(c)**
- F20** Words in reg. 26(18) substituted (23.9.2006) by The Seed (England) (Amendments for Tests and Trials etc.) Regulations 2006 (S.I. 2006/2314), regs. 1, **4(7)(d)**
- F21** Words in reg. 26(18)(b)(ii) substituted (23.9.2006) by The Seed (England) (Amendments for Tests and Trials etc.) Regulations 2006 (S.I. 2006/2314), regs. 1, **4(7)(e)**
- F22** Words in reg. 26(20) substituted (8.10.2004) by The Fodder Plant Seed (England) (Amendment) Regulations 2004 (S.I. 2004/2387), regs. 1, **2(12)(d)**

Status:

Point in time view as at 23/09/2006.

Changes to legislation:

There are currently no known outstanding effects for the The Fodder Plant Seed (England) Regulations 2002 (revoked), PART III.