

2005 No. 2676

SEEDS, ENGLAND

**The Seed (Registration, Licensing and Enforcement) (England)
(Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>25th September 2005</i>
<i>Laid before Parliament</i>	<i>28th September 2005</i>
<i>Coming into force</i> - -	<i>26th October 2005</i>

The Secretary of State in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4), (5), (5A) and 36 of the Plant Varieties and Seeds Act 1964(a), and now vested in her(b), after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to her to be concerned and with the Council on Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992(c), makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Seed (Registration, Licensing and Enforcement) (England) (Amendment) Regulations 2005 and come into force on 26th October 2005.

Amendment of the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002

2.—(1) The Seed (Registration, Licensing and Enforcement) (England) Regulations 2002(d) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1)—

(a) for the definition of “the Seed Marketing Directives”, there shall be substituted the following definition—

““the Seed Marketing Directives” means—

- (a) Council Directive 2002/54/EC(e) on the marketing of beet seed as last amended by Council Directive 2004/117/EC(f);
- (b) Council Directive 66/402/EEC(g) on the marketing of cereal seed as last amended by Council Directive 2004/117/EC;

(a) 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), S.I. 1977/1112 and section 2 of the Agriculture Act 1986 (c. 49); see section 38(1) for a definition of “the Minister”.

(b) Under the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), 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 England, transferred to the Secretary of State.

(c) 1992 c. 53.

(d) S.I. 2002/3176 as amended by S.I. 2004/2390.

(e) O.J. No. L193, 20.7.2002, p12.

(f) O.J. No. L14, 18.1.2005, p18.

(g) O.J. No. L125, 11.7.66, p2309.

- (c) Council Directive 66/401/EEC(a) on the marketing of fodder plant seed as last amended by Council Directive 2004/117/EC;
 - (d) Council Directive 2002/57/EC(b) on the marketing of oil and fibre plant seed as last amended by Council Directive 2004/117/EC; and
 - (e) Council Directive 2002/55/EC(c) on the marketing of vegetable seed as last amended by Council Directive 2004/117/EC;”; and
- (b) for the definition of “the Seed Marketing Regulations” there shall be substituted the following definition—
- ““the Seed Marketing Regulations” means—
- (a) in relation to beet seed, the Beet Seed (England) Regulations 2002(d), as last amended by the Beet Seed (England) (Amendment) Regulations 2005(e);
 - (b) in relation to cereal seed, the Cereal Seed (England) Regulations 2002(f), as last amended by the Cereal Seed (England) (Amendment) Regulations 2005(g);
 - (c) in relation to fodder plant seed, the Fodder Plant Seed (England) Regulations 2002(h), as last amended by the Fodder Plant Seed (England) (Amendment) Regulations 2005(i);
 - (d) in relation to oil and fibre plant seed, the Oil and Fibre Plant Seed (England) Regulations 2002(j) as last amended by the Oil and Fibre Plant Seed (England) (Amendment) Regulations 2005(k); and
 - (e) in relation to vegetable seed, the Vegetable Seed (England) Regulations 2002(l) as last amended by the Vegetable Seed (England) (Amendment) Regulations 2005(m);”.

(3) In regulation 24(2), the words “, except seed of a species to which the Vegetable Seed (England) Regulations 2002 apply” shall be deleted.

(4) In paragraph 4 of Part II of Schedule 1 there shall be inserted the following sub-paragraph after sub-paragraph (h)—

“(i) the collection, preparation and marketing of preservation mixtures which are subject to an authorisation granted under regulation 18A of the Fodder Plant Seed (England) Regulations 2002.”.

(5) In Part I of Schedule 2, sub-paragraph (b) shall be deleted.

(6) In Part I of Schedule 3, the words “except seed of a species to which the Vegetable Seed (England) Regulations 2002 apply” shall be deleted.

25th September 2005

Bach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) O.J. No. L125, 11.7.66, p2298.
 (b) O.J. No. L193, 20.7.2002, p74.
 (c) O.J. No. L193, 20.7.2002, p33.
 (d) S.I. 2002/3171.
 (e) S.I. 2005/2671.
 (f) S.I. 2002/3173.
 (g) S.I. 2005/2672.
 (h) S.I. 2002/3172.
 (i) S.I. 2005/2673.
 (j) S.I. 2002/3174.
 (k) S.I. 2005/2674.
 (l) S.I. 2002/3175.
 (m) S.I. 2005/2675.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002 (SI 2002/3176) as amended by the Seed (Registration, Licensing and Enforcement) (England) (Amendment) Regulations 2004 (SI 2004/2390) (the “2002 Regulations”) and come into force on 26th October 2005.

The amendments to the 2002 Regulations update definitions and provisions to take account of Council Directive 2004/117/EC (O.J. No. L14, 18.1.2005, p.18) on examinations carried out under official supervision and equivalence of seed produced in third countries (*Regulations 2(2), 2(3), 2(5) and 2(6)*).

They also provide that the Secretary of State may require registered persons to keep records relating to preservation mixtures of fodder plant seed (*Regulation 2(4)*).

A Transposition Note has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Transposition Note can be obtained from the Plant Variety Rights Office and Seeds Division of the Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge, CB3 0LF.

A regulatory impact assessment has not been prepared for this instrument, as it has no impact on the cost of businesses, charities or voluntary bodies.

2005 No. 2676

SEEDS, ENGLAND

The Seed (Registration, Licensing and Enforcement) (England)
(Amendment) Regulations 2005

£3.00

© Crown copyright 2005

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1368 10/2005 151368T 19585

ISBN 0-11-073383-5



9 780110 733838