

## SCHEDULE 1

Regulation 4

Seed to which these Regulations apply

<i>Plants to which the Regulations apply</i>	<i>Common name (for guidance only)</i>
<b>Beet</b>	
<i>Beta vulgaris</i> L.	sugar beet, fodder beet (including mangel)
<b>Cereals</b>	
<i>Avena nuda</i> L.	small naked oat, hulless oat
<i>Avena sativa</i> L. (includes <i>A. byzantina</i> K. Koch)	oats and red oat
<i>Hordeum vulgare</i> L.	Barley
<i>Secale cereale</i> L.	Rye
<i>Triticum aestivum</i> L.	Wheat
<i>Triticum durum</i> Desf.	durum wheat
<i>Triticum spelta</i> L.	spelt wheat
x <i>Triticosecale</i> Wittm. ex A. Camus – hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>	Triticale
<i>Zea mays</i> L. (partim)	maize (except popcorn and sweetcorn)
<b>Fodder plants</b>	
<b>Fine grasses:</b>	
<i>Agrostis canina</i> L.	velvet bent
<i>Agrostis capillaris</i> L.	brown top
<i>Agrostis gigantea</i> Roth	red top
<i>Agrostis stolonifera</i> L.	creeping bent grass
<i>Festuca filiformis</i> Pourr.	fine leaved sheep's fescue
<i>Festuca ovina</i> L.	sheep's fescue
<i>Festuca rubra</i> L.	red fescue, Chewings fescue
<i>Festuca trachyphylla</i> (Hack.) Krajina	hard fescue
<i>Poa annua</i> L.	annual meadowgrass
<i>Poa nemoralis</i> L.	wood meadowgrass
<i>Poa pratensis</i> L.	smooth-stalked meadowgrass
<i>Poa trivialis</i> L.	rough-stalked meadowgrass
x <i>Festulolium</i> Asch. & Graebn. – Hybrids resulting from the crossing of a species of	<i>Festulolium</i>

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**Changes to legislation:** There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)

<i>Plants to which the Regulations apply</i>	<i>Common name (for guidance only)</i>
the genus <i>Festuca</i> with a species of the genus <i>Lolium</i>	
<b>Fodder grasses:</b>	
<i>Arrhenatherum elatius</i> (L.) P.Beauv.ex J. Presl & C. Presl	tall oatgrass
<i>Bromus catharticus</i> Vahl.	rescue grass
<i>Bromus sitchensis</i> Trin.	Alaska brome-grass
<i>Dactylis glomerata</i> L.	Cocksfoot
<i>Festuca arundinacea</i> Schreber	tall fescue
<i>Festuca pratensis</i> Huds.	meadow fescue
<i>Lolium multiflorum</i> Lam.	Italian ryegrass including Westerwold ryegrass
<i>Lolium perenne</i> L.	perennial ryegrass
<i>Lolium x boucheanum</i> Kunth	hybrid ryegrass
<i>Phleum nodosum</i> L.	small timothy
<i>Phleum pratense</i> L.	Timothy
<b>Small seeded legumes:</b>	
<i>Lotus corniculatus</i> L.	birdsfoot trefoil
<i>Medicago lupulina</i> L.	trefoil, black medick
<i>Medicago sativa</i> L.	Lucerne
<i>Medicago x varia</i> T. Martyn	sand lucerne
<i>Onobrychis viciifolia</i> Scop.	sainfoin
<i>Trifolium hybridum</i> L.	Alsike clover
<i>Trifolium pratense</i> L.	red clover
<i>Trifolium repens</i> L.	white clover
<b>Large seeded legumes:</b>	
<i>Lupinus albus</i> L.	white lupin
<i>Lupinus angustifolius</i> L.	narrow leaved lupin (previously known as blue lupin)
<i>Lupinus luteus</i> L.	yellow lupin
<i>Pisum sativum</i> L. (partim)	field pea
<i>Vicia faba</i> L. (partim)	field bean
<i>Vicia pannonica</i> Crantz	Hungarian vetch

<i>Plants to which the Regulations apply</i>	<i>Common name (for guidance only)</i>
<i>Vicia sativa</i> L.	common vetch
<i>Vicia villosa</i> Roth	hairy vetch

**Crucifers:**

*Brassica napus* L. var. *napobrassica* (L.) Swede  
Rchb.

*Brassica oleracea* L. convar. *acephala* fodder kale  
(DC.) Alef. var. *medullosa* Thell. + var.  
*viridis* L.

*Raphanus sativus* L. var. *oleiformis* Pers. fodder radish

**Oil and fibre plants**

<i>Brassica juncea</i> (L.) Czern.	brown mustard
<i>Brassica napus</i> L. (partim)	swede rape (including plants commonly known as fodder rape and oilseed rape)
<i>Brassica nigra</i> (L.) W.D.J. Koch	black mustard
<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs	turnip rape
<i>Cannabis sativa</i> L.	Hemp
<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

**Vegetables**

<i>Allium cepa</i> L. (Cepa Group)	onion, Echalion
<i>Allium porrum</i> L.	Leek
<i>Apium graveolens</i> L.	celery, celeriac
<i>Asparagus officinalis</i> L.	Asparagus
<i>Beta vulgaris</i> L.	beetroot including Cheltenham beet, spinach beet and chard
<i>Brassica oleracea</i> L.	Brussels sprouts, cauliflower, curly kale, kohlrabi, red cabbage, Savoy cabbage, sprouting broccoli or calabrese, white cabbage
<i>Brassica rapa</i> L.	Chinese cabbage, turnip
<i>Cichorium endivia</i> L.	endive (curled-leaved, plain-leaved)

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<i>Plants to which the Regulations apply</i>	<i>Common name (for guidance only)</i>
<i>Cichorium intybus</i> L.	large-leaved (Italian) chicory
<i>Cucumis melo</i> L.	Melon
<i>Cucumis sativus</i> L.	cucumber, gherkin
<i>Cucurbita maxima</i> Duchesne	Gourd
<i>Cucurbita pepo</i> L.	marrow or courgette
<i>Daucus carota</i> L.	carrot, fodder carrot
<i>Lactuca sativa</i> L.	Lettuce
<i>Lycopersicon esculentum</i> Mill	Tomato
<i>Petroselinum crispum</i> (Mill) Nyman ex A.W Hill	Parsley
<i>Phaseolus coccineus</i> L.	runner bean
<i>Phaseolus vulgaris</i> L.	French bean (dwarf, climbing)
<i>Pisum sativum</i> L. (partim)	wrinkled pea, round pea, sugar pea
<i>Raphanus sativus</i> L.	radish, black radish
<i>Spinacia oleracea</i> L.	Spinach
<i>Vicia faba</i> L. (partim)	broad bean
<i>Zea mays</i> L. (partim)	sweet corn, popcorn

## SCHEDULE 2

Regulations 10, 11, 13 and 23

### Certification requirements

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## PART 1

### Beet

#### **Scope of Part 1**

1. This Part regulates the type of beet in Schedule 1.

#### **Interpretation of Part 1**

2. In this Part—
  - (a) “monogerm seed” means seed that is genetically monogerm; and
  - (b) “precision seed” means seed designed for use in precision drills to produce single seedlings.

#### **Permitted types of beet seed**

3. Beet seed must be—
  - (a) pre-basic seed;
  - (b) basic seed; or

- (c) certified seed.

#### **Meaning of “pre-basic seed”**

- 4. Pre-basic seed is seed—
  - (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
  - (b) intended for the production of—
    - (i) more pre-basic seed;
    - (ii) basic seed; or
    - (iii) with the breeder’s written authority, certified seed.

#### **Meaning of “basic seed”**

- 5. Basic seed is seed—
  - (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
  - (b) intended for the production of certified seed.

#### **Meaning of “certified seed”**

- 6. Certified seed is seed that is of direct descent from basic seed and is intended for the production of beet.

#### **Crop and seed requirements**

7.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) of, and Annex I(A) to, Council Directive [2002/54/EC](#) on the marketing of beet seed<sup>(1)</sup>, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 9(2) and Annex II to that Directive, and must satisfy the conditions in Annex I(B) to that Directive.

(3) It must be labelled in accordance with Annex III to that Directive.

(4) The maximum moisture content must not exceed 15% by weight.

(5) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

## **PART 2**

### **Cereals**

#### **CHAPTER 1**

##### **Types of seed**

#### **Scope of Part 2**

- 8. This Part regulates the types of cereal in Schedule 1.

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(1) OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive [2004/117/EC](#) (OJ No L 14, 18.1.2005, p. 18).

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**Permitted types of cereal seed**

- 9.—(1) Cereal seed must be—
- (a) pre-basic seed;
  - (b) basic seed;
  - (c) certified seed;
  - (d) certified seed, first generation;
  - (e) certified seed, second generation; or
  - (f) seed of a higher voluntary standard.

(2) The seed may be a mixture of cereal species of different varieties provided that each variety in the mixture is certified and is effective against the propagation of harmful organisms.

**Meaning of “pre-basic seed” (including hybrids)**

10. Pre-basic seed (including hybrids) is seed—
- (a) produced from a generation prior to pre-basic seed or from pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
  - (b) intended for the production of—
    - (i) more pre-basic seed;
    - (ii) basic seed; or
    - (iii) with the breeder’s written authority, certified seed of categories CS, C1 or C2 (hybrid varieties may not be produced to C1 or C2).

**Meaning of “basic seed”**

11. Basic seed is seed complying with the following conditions.

<i>Type of cereal</i>	<i>Condition</i>
Self-pollinating varieties of oats, naked oats, barley, rye, triticale, wheat, durum wheat and spelt wheat	The seed must be— <ul style="list-style-type: none"> <li>(a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and</li> <li>(b) intended for the production of certified seed of categories CS C1 or C2</li> </ul>
Hybrid varieties of oats, barley, rye, wheat, durum wheat, spelt wheat, triticale and maize	The seed must be intended for the production of hybrids
Maize spp open-pollinated varieties	The seed must be— <ul style="list-style-type: none"> <li>(a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;</li> </ul>



<i>Type of cereal</i>	<i>Condition</i>
	(b) intended for the production of seed of this variety of the category ‘certified seed’ triple cross or of top cross hybrid variety or of intervarietal hybrids
Maize, inbred lines	Any seed

**Meaning of “certified seed”**

12. Certified seed is seed—

- (a) of rye, maize, or triticale and hybrids of barley, oats, wheat, durum wheat, spelt wheat;
- (b) that has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed; and
- (c) that is intended for purposes other than the production of cereal seed.

**Meaning of “certified seed, first generation”**

13. Certified seed, first generation is seed—

- (a) of oats, barley, triticale, wheat, durum wheat or spelt wheat, other than hybrids in each case;
- (b) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (c) intended either for the production of seed of the category ‘certified seed, second generation’ or for purposes other than the production of cereal seed.

**Meaning of “certified seed, second generation”**

14. Certified seed, second generation is seed—

- (a) of oats, barley, triticale, wheat, durum wheat or spelt wheat, other than hybrids in each case;
- (b) produced directly from basic seed, from certified seed, first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (c) intended for purposes other than the production of cereal seed.

**Crop and seed requirements**

15.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) of, and Annex I to, Council Directive [66/402/EEC](#) on the marketing of cereal seed<sup>(2)</sup>, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 7 of, and Annex III to, that Directive and must satisfy the conditions in Annex II to that Directive.

(3) The moisture content must not exceed 17% by weight.

(2) OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

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(4) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

## CHAPTER 2

### Higher voluntary standards

#### Higher voluntary standards for cereals

**16.**—(1) Barley, oats, wheat (including durum wheat and spelt wheat) or naked oats classified as basic seed, or certified seed of categories C1 or C2, may be marketed as being of a higher voluntary standard, which is a standard higher than that regulated under Chapter 1, if it meets the higher standards in this Chapter.

- (2) The crop must have at least 99.99% (by number) species purity.
- (3) Other than a hybrid, the minimum varietal purity of seed is—
  - (a) 99.95% for basic seed;
  - (b) 99.9% for C1 seed;
  - (c) 99.7% for C2 seed.
- (4) In the case of C1 and C2 the seed must have 99% by weight analytical purity.

#### Additional requirements for barley, wheat, durum wheat and spelt wheat

- 17.** In the case of barley, wheat, durum wheat and spelt wheat—
- (a) the maximum number of wild oats in a crop is 7 per hectare.
  - (b) the maximum percentage by number of loose smut infection in seed is—
    - (i) 0.1% for basic seed;
    - (ii) 0.2% for C1 and C2 seed.

#### Seed from other plants

**18.** The number of seeds from other plant species in a sample of 1000g must not exceed the following.

#### Seed of other species

Category of seed sampled	All plant species (including species specified in columns 3 to 6)	Other cereal species	All plant species other than cereals	Wild oats or darnel	Wild radish, corn cockle, sterile brome or couch
Basic seed	1	0	1	0	0 <sup>(a)</sup>
C1	2	1	1	0	1
C2	4	3	2	0	1

(a) Only in respect of wild radish and corn cockle.

### **Ergot and sclerotia**

19. In a sample of 1000g—
- (a) in the case of basic seed there must be no ergot or sclerotia;
  - (b) in the case of certified seed (C1 or C2) there must be no more than one piece of ergot or sclerotia.

## **PART 3**

### **Fodder plants**

#### **CHAPTER 1**

##### **Basic standards**

### **Scope of Part 3**

20. This Part regulates the types of fodder plants in Schedule 1.

### **Permitted types of fodder seed**

- 21.—(1) Fodder seed must be—
- (a) pre-basic seed;
  - (b) basic seed;
  - (c) certified seed;
  - (d) certified seed, first generation;
  - (e) certified seed, second generation;
  - (f) commercial seed; or
  - (g) seed of a higher voluntary standard.

(2) The seed may be a mixture of fodder species of different varieties provided that each variety in the mixture is certified.

### **Meaning of “pre-basic seed”**

22. Pre-basic seed is seed—
- (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
  - (b) intended for the production of—
    - (i) more pre-basic seed;
    - (ii) basic seed; or
    - (iii) with the breeder’s written authority, certified seed CS, C1 or C2.

### **Meaning of “basic seed”**

- 23.—(1) Basic seed is seed of—
- (a) bred varieties; or
  - (b) local varieties.
- (2) Seed of bred varieties is seed—

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- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
  - (b) intended for the production of certified seed.
- (3) Seed of local varieties is seed—
- (a) produced under official control from material officially accepted as being of the local variety on one or more holdings situated within a clearly demarcated region of origin;
  - (b) intended for the production of certified seed.

#### Meaning of “certified seed”

**24.** Certified seed is seed (other than of field beans, field peas, [<sup>F1</sup>lucerne (*Medicago sativa*),] lupins and vetches)—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for purposes other than the production of seed.

#### Textual Amendments

**F1** Words in Sch. 2 para. 24 inserted (31.12.2012) by [The Seed Marketing \(Amendment\) Regulations 2012 \(S.I. 2012/3035\)](#), regs. 1, 5

#### Meaning of “certified seed, first generation”

**25.** Certified seed, first generation in relation to field beans, field peas, lucerne (*Medicago sativa*), lupins and vetches is seed—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for—
  - (i) the production of certified seed, second generation (in the case of field beans and field peas only); or
  - (ii) purposes other than the production of seed (in all cases).

#### Meaning of “certified seed, second generation”

**26.** Certified seed, second generation in relation to field beans, field peas, lucerne (*Medicago sativa*), lupins and vetches is seed—

- (a) produced directly from basic seed, from certified seed, first generation (C1) or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for purposes other than the production of seed of fodder plants.

#### Meaning of “commercial seed”

**27.** Commercial seed is seed of annual meadowgrass, Hungarian vetch or sainfoin that is identifiable as belonging to a species.

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## Crop and seed requirements

**28.**—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) of, and Annex I to, Council Directive [66/401/EEC](#) on the marketing of fodder plant seed<sup>(3)</sup>, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Annex III to that Directive, and must satisfy the conditions in Annex II to that Directive.

(3) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

## CHAPTER 2

### Higher voluntary standards

#### Higher voluntary standards for fodder seed

**29.** In the case of cocksfoot, festulolium, hybrid ryegrass, Italian ryegrass, Lucerne, meadow fescue, perennial ryegrass, red clover, red fescue, sainfoin, small timothy, timothy, smooth stalked meadow grass, tall fescue and white clover, certified seed (CS) may be marketed as certified seed of a higher voluntary standard.

#### Minimum standards for purity and other species of seed in the sample

**30.** The sample taken under paragraph 28(2) for the purposes of Council Directive [66/401/EEC](#) must have the minimum standards set out in the following table.

Column header	Minimum analytical purity (% by weight)	Total weight of all species (% by weight)	Total weight of a single other species (% by weight)	Seed of Rumex spp excluding acetosella and R maritimus	Seed of Rumex spp	Seed of blackgrass	Limits of other specific species
<b>Fine grasses</b>							
festulolium	98	1.5	0	0	10	0	
red fescue	95	1.5	0.5	5	10	10	The sample must have no more than four seeds ryegrass, cocksfoot, meadow fescue and 0.3% rough stalked meadow grass
smooth-stalked meadowgrass	90	1.5	0.5	2	3	3	Maximum of 0.4% by weight of seed of other meadow grass
<b>Fodder grasses</b>							
cocksfoot	90	1.5	0.5	5	10	10	

(3) OJ No L 125, 11.7.1966, p. 2298, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

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Column header	Minimum analytical purity (% by weight)	Total weight of all other species (% by weight)	Total weight of a single other species (% by weight)	Seed of Rumex acetosella and R maritimus	Seed of couchgrass	Seed of blackgrass	Limits of other specific species
meadow fescue, tall fescue	98	1.5	0.5	5	10	10	0.3% rough stalked meadow grass, 0.3% ryegrass
hybrid ryegrass, Italian ryegrass, perennial ryegrass	98	1.5	0.5	5	10	10	0.4% annual meadowgrass, 0.3% rough stalked meadow grass
small timothy, timothy	98	1.5	0.5	4	10	10	0.3% <i>Agrostis spp</i>
<b>Small seeded legumes</b>							
lucerne, red clover, white clover	98	1.5	0.5	10	10	10	0.3% <i>Melilotus spp</i>
sainfoin	98	1.5	0.5	5	10	10	0.3% <i>Melilotus spp</i>

## PART 4

### Oil and fibre

#### Scope of Part 4

31. This Part regulates the types of oil and fibre plants in Schedule 1.

#### Permitted types of oil and fibre seed

32. Oil and fibre seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation;
- (f) certified seed, third generation; or
- (g) commercial seed.

#### Meaning of “pre-basic seed”

33.—(1) “Pre-basic seed” is seed of a generation prior to basic seed—

- (a) that has been produced by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety, and
  - (b) intended to be used for the production of more pre-basic seed, basic seed, or with the breeder's written authority—
    - (i) in the case of black mustard, brown mustard, dioecious hemp, sunflower, swede rape, turnip rape or white mustard, CS seed;
    - (ii) in the case of monoecious hemp or soya bean, C1 or C2 seed;
    - (iii) in the case of flax or linseed, C1, C2 or C3 seed.
- (2) But in relation to a component of a hybrid variety, "pre-basic seed" means seed of a generation prior to basic seed that is intended to be used for the production of—
- (a) more pre-basic seed;
  - (b) basic seed; or
  - (c) with the breeder's written authority, CS seed.

#### **Meaning of "basic seed" for non-hybrid varieties**

- 34.** In the case of a non-hybrid variety, basic seed is seed—
- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
  - (b) intended for the production of—
    - (i) certified seed,
    - (ii) certified seed, first generation,
    - (iii) certified seed, second generation; or
    - (iv) certified seed, third generation.

#### **Meaning of "basic seed" for inbred lines**

**35.** In the case of an inbred line, basic seed is seed of an inbred line of a hybrid that satisfies the conditions for basic seed.

#### **Meaning of "basic seed" for simple hybrids**

**36.** In the case of a simple hybrid, basic seed is seed intended for the production of hybrids.

#### **Meaning of "certified seed"**

- 37.** Certified seed is seed of black, brown and white mustard, dioecious hemp, sunflower, swede rape or turnip rape—
- (a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;
  - (b) intended for purposes other than the production of seed of oil or fibre plants.

#### **Meaning of "certified seed, first generation"**

- 38.** Certified seed, first generation is seed of monoecious hemp, flax, linseed or soya—
- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
  - (b) intended either for the production of—

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- (i) certified seed, second generation;
- (ii) where appropriate, certified seed, third generation; or
- (iii) for purposes other than the production of seed of oil or fibre plants.

#### **Meaning of “certified seed, second generation”**

- 39.**—(1) Certified seed, second generation is seed of flax, linseed, soya or monoecious hemp.
- (2) In the case of flax, linseed, soya, it is seed—
- (a) produced directly from basic seed, from certified seed of the first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
  - (b) intended for—
    - (i) purposes other than the production of seed or,
    - (ii) where appropriate, the production of certified seed, third generation seed.
- (3) In the case of monoecious hemp it is seed—
- (a) produced directly from certified seed of the first generation established and officially controlled with a view to the production of certified seed of the second generation; and
  - (b) intended for the production of hemp to be harvested in flower.

#### **Meaning of “certified seed, third generation”**

- 40.** Certified seed, third generation is seed from flax or linseed—
- (a) of direct descent from basic seed, from certified seed of the first or second generation or, if the breeder so requests, from seed of a generation prior to basic seed; and
  - (b) intended for purposes other than the production of seed.

#### **Meaning of “commercial seed”**

**41.** Commercial seed (black mustard seed only) is seed that is identifiable as belonging to a species.

#### **Crop and seed requirements**

- 42.**—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(5)(A) of, and Annex I to, Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants<sup>(4)</sup>, and the crop must satisfy the conditions in that Annex.
- (2) The seed produced by the crop must be sampled in accordance with Annex III to that Directive and must satisfy the conditions in Annex II to that Directive.
- (3) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

#### **Requirements for a varietal association**

- 43.**—(1) Seed marketed as a varietal association must comply with this paragraph.
- (2) The varietal association must be an association of certified CS seed of a specified pollinator-dependant hybrid variety with certified CS seed of one or more specified pollinator varieties both of which have been accepted on to the United Kingdom National List or the Common Catalogue.

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(4) OJ No L 193, 20.7.2002, p. 74, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).



(3) The seed of the female and male components of a varietal association must have been dressed using seed dressings of different colours.

(4) The seed must be mechanically combined in the proportions jointly determined by the persons responsible for the maintenance of these components.

(5) The proportions must be notified to the Secretary of State by the person responsible for the maintenance of the pollinator-dependent hybrid and pollinators with the varietal association.

(6) In this paragraph—

- (a) “pollinator-dependent hybrid” means the male-sterile component within the varietal association (female component);
- (b) “pollinator” means a component shedding pollen within a varietal association.

## PART 5

### Vegetables

#### Scope of Part 5

44. This Part regulates the types of vegetables in Schedule 1.

#### Permitted types of vegetable seed

45.—(1) Vegetable seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed; or
- (d) standard seed.

[<sup>F2</sup>(2) The seed may be a mixture of different varieties of the same vegetable species provided that each variety in the mixture is standard seed.]

#### Textual Amendments

**F2** Sch. 2 para. 45(2) substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, 6

#### Meaning of “pre-basic seed”

46. Pre-basic seed is seed—

- (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) intended for the production of—
  - (i) more pre-basic seed;
  - (ii) basic seed; or
  - (iii) with the breeder’s written authority, certified seed.

*Status: Point in time view as at 31/12/2012.*

*Changes to legislation: There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)*

### **Meaning of “basic seed”**

47.—(1) Basic seed is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of certified seed.

(2) For the avoidance of doubt this includes seeds intended as a component of a hybrid variety of vegetable.

### **Meaning of “certified seed”**

48. Certified seed is seed—

- (a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;
- (b) intended mainly for the production of vegetables.

### **Meaning of “standard seed”**

49. Standard seed is seed that is intended mainly for the production of vegetables and has been approved by the Secretary of State as having sufficient varietal purity and varietal identity.

### **Crop and seed requirements**

50.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(4)(A) of, and Annex I to, Council Directive [2002/55/EC](#) on the marketing of vegetable seed<sup>(5)</sup>, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 25 of, and Annex III to, that Directive and must satisfy the conditions in Annex II to that Directive.

(3) Sub-paragraph (1) does not apply in the case of standard seed.

(4) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

(5) After marketing, vegetable seed is subject to control by the Secretary of State for varietal identity and varietal purity.

## SCHEDULE 3

Regulations 16 and 17

### Labelling and loose sales

## PART 1

### Introduction

#### **Types of label**

1.—(1) There are two types of label for seed, official labels and supplier’s labels.

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(5) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

(2) A supplier's label must be used on a package of breeder's seed, and may be used on a small package of seed specified in [F3Part 4] of this Schedule and on a package of standard vegetable seed of any size.

(3) An official label must be used on any other package of seed.

#### Textual Amendments

**F3** Words in Sch. 3 para. 1(2) substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, **7(3)**

#### Time of labelling

2. A package must be labelled at the time of sealing.

#### Genetically modified varieties

3. If a variety has been genetically modified, this must be stated on the label.

#### Chemical treatment of seed

4. If seed has been subjected to any chemical treatment, this fact and the nature of the treatment or the proprietary name of the chemical used must be stated on the label.

## PART 2

### Official labels

#### Official labels: general requirements

5.—(1) An official label is a label supplied by the Secretary of State.

(2) It must be on the outside of the package.

(3) It must not have been previously used.

(4) It must be adhesive, or secured by a sealing device approved by the Secretary of State.

(5) It must be in one of the official languages of the European Union.

(6) It must be at least 110 mm x 67 mm.

(7) It must have a unique number.

(8) It must be fixed to the package by an authorised officer of the Secretary of State, a licensed seed sampler or any person being supervised by such a person.

(9) By way of derogation from the above, in the case of cereal seed, fodder seed and oil and fibre seed, classified in each case as CS, C1, C2 or C3, the whole bag may be used as the label, provided that this is done with the approval of the Secretary of State and the bag is the same colour as is required for the label.

#### Official labels for pre-basic seed

6.—(1) The following must appear on an official label on pre-basic seed—

(a) the name of the certification authority;

(b) the name or initials of the member State;

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- (c) the reference number of the seed lot;
  - (d) the country of production;
  - (e) the month and year of sealing expressed as “sealed ...” (month and year);
  - (f) the species (this must be the botanical name, which may be given in abridged form and without the authors’ names, except that, in the case of beet or vegetable seed, the common name may be used);
  - (g) the variety;
  - (h) the description “pre-basic” or “PB”;
  - (i) the declared net or gross weight or number of seeds (or, in the case of beet, the declared number of clusters or pure seed);
  - (j) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of the seed and the total weight (or, in the case of beet, the ratio between the weight of pure seed and the total weight);
  - (k) the number of generations preceding the category “certified seed (CS)” or “certified first generation (C1) seed”.
- (2) The label must be white with a diagonal violet stripe.

#### **Official labels for basic seed and certified seed**

- 7.—(1) The following must appear on an official label on certified seed—
- (a) the words “[<sup>F</sup>EU rules and standards]”;
  - (b) the name of the certification authority;
  - (c) the name or initials of the member State;
  - (d) the reference number of the seed lot;
  - (e) either—
    - (i) the month and year of sealing expressed as “sealed ...” (month and year); or
    - (ii) the month and year of the last official sampling for the purposes of certification expressed as “sampled ...” (month and year);
  - (f) the species (this must be the botanical name, either in full or in abridged form except that, in the case of beet or vegetable seed, the common name may be used);
  - (g) the variety;
  - (h) the category;
  - (i) the country of production;
  - (j) the declared net or gross weight or number of seeds or in the case of beet the declared number of clusters of pure seed;
  - (k) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of the seed and the total weight (or, in the case of beet, the ratio between the weight of pure seed and the total weight);
  - (l) where the germination has been retested the word “retested” followed by the month and year of re-testing.
- (2) The label must be coloured—
- (a) white for basic seed;

- (b) blue for certified seed and certified seed of the first generation;
- (c) red for certified seed of the second and third generation.

**Textual Amendments**

**F4** Words in Sch. 3 substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, 7(2)

**Official labels for commercial seed not certified as to variety**

**8.—(1)** The following must appear on an official label on commercial seed not certified as to variety—

- (a) the words “[<sup>F4</sup>EU rules and standards]”;
  - (b) the name of the certification authority;
  - (c) the name or initials of the member State;
  - (d) the reference number of the seed lot;
  - (e) either—
    - (i) the month and year of sealing expressed as “sealed ...” (month and year); or
    - (ii) the month and year of the last official sampling for the purposes of certification expressed as “sampled ...” (month and year);
  - (f) the species (this must be the botanical name, either in full or in abridged form except that, in the case of beet or vegetable seed, the common name may be used);
  - (g) the words “commercial seed not certified as to variety”;
  - (h) the country or region of production;
  - (i) the declared net or gross weight or number of seeds;
  - (j) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of the seed and the total weight;
  - (k) where the germination has been retested the word “retested” followed by the month and year of re-testing.
- (2) The label must be coloured brown.

**Textual Amendments**

**F4** Words in Sch. 3 substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, 7(2)

**Labelling mixtures**

**9.—(1)** The following must appear on an official label on a mixture of seed—

- (a) the authority responsible for sealing the package;
- (b) the name or initials of the member State;
- (c) the reference number of the seed lot;
- (d) the month and year of sealing expressed as “sealed . . . .” (month and year);

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**Changes to legislation:** There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)

- (e) the species, category, variety, country of production and proportion by weight of each of the components;
  - (f) the declared net or gross weight, or declared number of seeds;
  - (g) where the weight is indicated and granulated [<sup>F5</sup>pesticides], pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of the pure seed and the total weight;
  - (h) where the germination of all the components of the mixture has been retested, the word “retested” followed by the month and year of re-testing;
  - (i) in the case of cereals the words “mixture of ” followed by the species and varieties and a qualifying statement that the mixture is effective against the propagation of a harmful organism;
  - (j) in the case of fodder plants the words “mixture of seeds for” followed by an indication of the intended use.
- (2) But for fodder mixtures registered with the Secretary of State, provided the label shows the registered name of the mixture, the percentage by weight of each of the components may be omitted provided that—
- (a) this information is supplied to the customer on request, and
  - (b) customers are informed that they can request these details.
- (3) The label must be coloured green.

**Textual Amendments**

**F5** Word in Sch. 3 para. 9(1)(g) inserted (31.12.2012) by [The Seed Marketing \(Amendment\) Regulations 2012 \(S.I. 2012/3035\)](#), regs. 1, 6

## PART 3

### Additional requirements for official labels for specific species

#### Introduction

**10.** The following requirements for specific species are in addition to the requirements in Part 2.

#### Additional requirements for beet seed

- 11.** An official label for beet seed must specify—
- (a) “monogerm” or “precision” as appropriate;
  - (b) “fodder beet” or “sugar beet” as appropriate.

#### Additional requirements for cereal seed

**12.—(1)** An official label for C1 and C2 naked barley must include the words “minimum germination capacity 75%”.

(2) An official label for basic cereal seed of varieties that are hybrids or inbred lines must include—

- (a) for basic seed where the hybrid or inbred line to which the seed belongs has been accepted on to the United Kingdom National List or the Common Catalogue, the name under which

it has been officially accepted, with or without reference to the final variety, and if the seed is intended solely as a component for final varieties 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) by the word “component”.

(3) An official label for certified cereal seed (CS, C1 or C2) of varieties that are hybrids or inbred lines must include the word “hybrid” after the variety.

(4) Where seed is marketed as being of the higher voluntary standard the label must contain the letters HVS.

#### **Additional requirements for fodder seed**

**13.** An official label for fodder seed must include—

- (a) for certified seed, second and subsequent generations, the number of generations after basic seed;
- (b) in the case of seed of grass varieties in respect of which no official examination of their value for cultivation and use has been carried out the words “Not intended for fodder production”;
- (c) where seed is marketed at the higher voluntary standard the letters HVS.

#### **Additional requirements for oil and fibre seed**

**14.—(1)** An official label for basic oil and fibre seed of varieties that are hybrids or inbred lines must include—

- (a) for basic seed where the hybrid or inbred line to which the seed belongs has been officially accepted on to the United Kingdom National List or the Common Catalogue, the name under which it has been officially accepted, with or without reference to the final variety, and if the seed is intended solely as a component for final varieties 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) by the word “component”.

(2) An official label for certified oil and fibre seed (CS, C1 or C2) of varieties that are hybrids or inbred lines must include the word “hybrid” after the variety.

(3) An official label for certified seed of a varietal association must be blue with a diagonal green line.

## **PART 4**

### **Supplier’s labels**

#### **Meaning of “supplier’s label”**

**15.** A supplier’s label is a label that has not been provided by the Secretary of State.

#### **Labelling a package**

**16.** A supplier’s label must either be attached to the package in the same way as an official label or printed indelibly on the package.

*Status: Point in time view as at 31/12/2012.*

*Changes to legislation: There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)*

### **References to weights in this Part**

17. In this Part references to the weight excludes any granulated pesticides, pelleting substances or other solid additives.

### **Breeder's seed: supplier's labels**

- 18.—(1) The following must appear on a supplier's label on a package of breeder's seed—
- (a) the name, address and registration number of the supplier responsible for attaching the label;
  - (b) the reference number of the seed lot;
  - (c) the species;
  - (d) the variety;
  - (e) the words "breeder's seed";
  - (f) the declared net or gross weight or number of seeds.
- (2) The label must be buff-coloured.

### **Beet seed: supplier's labels**

- 19.—(1) A supplier's label may be used on a small package of beet seed.
- (2) A small package of beet seed (known as a "small EC package") is a package that—
- (a) in the case of basic and certified beet seed of precision or monogerm varieties, either weighs not more than 2.5 kg or consists of not more than 100,000 clusters;
  - (b) for all other beet seed weighs not more than 10kg.
- (3) The label must be the same colour as the official label for that category of seed.
- (4) The following must appear on the label—
- (a) the words "Small EC package";
  - (b) the name, address and identification number of the person affixing the label;
  - (c) the serial number;
  - (d) the service that assigned the serial number;
  - (e) the name or initials of the member State;
  - (f) the reference number if the official serial number does not enable the lot to be identified;
  - (g) the species;
  - (h) either sugar beet or fodder beet as appropriate;
  - (i) the variety;
  - (j) the category;
  - (k) the net or gross weight or number of clusters or pure seeds;
  - (l) 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 clusters or pure seeds and the total weight;
  - (m) either "monogerm" or "precision" as appropriate.

### **Cereal seed: supplier's labels**

- 20.—(1) A supplier's label may be used on a small package of cereal seed.



- (2) A small package of cereal seed is a package of any certified seed, or any mixture of certified seed, not exceeding 15kg.
- (3) The label must be the same colour as the official label for that category of seed.
- (4) The following must appear on the label—
- (a) the words “[<sup>F4</sup>EU rules and standards]”;
  - (b) the name and address and registration number of the supplier responsible for affixing the label;
  - (c) the reference number of the seed lot;
  - (d) the species;
  - (e) the variety;
  - (f) the category;
  - (g) the declared net weight or declared number of seeds;
  - (h) for hybrid varieties of maize, the word “hybrid”;
  - (i) in the case of C1 and C2 seed of naked barley, the words “minimum germination capacity 75%”.

#### Textual Amendments

- F4** Words in Sch. 3 substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, 7(2)

#### **Fodder seed (agricultural or amenity): packages that may be labelled with a supplier’s label**

**21.**—(1) A supplier’s label may be used on a small package of fodder seed, either agricultural or amenity (including a mixture of fodder seed).

(2) A small package of fodder seed is either a small EC ‘A’ package or a small EC ‘B’ package.

(3) A small EC ‘A’ package is a package containing a mixture of seed not intended for the production of fodder plants, with a net weight not exceeding 2 kg.

(4) A small EC ‘B’ package is a package containing—

- (a) basic seed,
- (b) certified seed (CS, C1 or C2),
- (c) commercial seed, or
- (d) (unless the package is a small EC ‘A’ package) a mixture of seed,

with a net weight not exceeding 10 kg.

#### **Fodder seed other than a mixture: labelling requirements**

**22.**—(1) A supplier’s label on a small package of fodder seed (other than a mixture, for which see paragraph 23) must be the same colour as the official label for that category of seed.

(2) The following must appear on the label—

- (a) the words “small EC ‘B’ package”;
- (b) the name, address and identification number of the person affixing the label;
- (c) the serial number;
- (d) the reference number if the serial number does not enable the seed lot to be identified;

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- (e) the species;
- (f) the net or gross weight of pure seed or the number of pure seeds;
- (g) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of the seed and the total weight;
- (h) in the case of certified seed—
  - (i) the variety;
  - (ii) the category;
  - (iii) for grass seed of a variety for which an examination of its value for cultivation and use is not required the words “not intended for the production of fodder plants”;
- (i) in the case of commercial seed the words “commercial seed”.

#### **Fodder seed mixture: labelling requirements**

**23.**—(1) A supplier’s label on small package of a mixture of fodder seed must be the same colour as the official label for that category of seed.

(2) The following must appear on the label—

- (a) the words “small EC ‘A’ package” or “small EC ‘B’ package” as appropriate;
- (b) the name, address and identification number of the person affixing the label;
- (c) for a small EC ‘A’ package—
  - (i) the reference number enabling the seed lots used in the mixture to be identified;
  - (ii) the name or initials of the member State;
- (d) for a small EC ‘B’ package—
  - (i) the officially assigned serial number;
  - (ii) the person that assigned the serial number;
  - (iii) the name or initials of the member State;
  - (iv) the reference number if the official serial number does not enable the used seed lots to be identified;
- (e) the words “Seed-mixture for ... (intended use)”;
- (f) the net or gross weight or number of pure seeds;
- (g) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of the seed and the total weight;
- (h) the percentage by weight of the various components shown by species and, where appropriate, by variety.

(3) But for mixtures registered with the Secretary of State, provided the label shows the registered name of the mixture, the percentage by weight of each of the components may be omitted provided that—

- (a) this information is supplied to the customer on request; and
- (b) customers are informed that they can request these details.

#### **Oil and fibre seed: supplier’s labels**

**24.**—(1) A supplier’s label may be used on a small package of oil and fibre seed.

**Status:** Point in time view as at 31/12/2012.

**Changes to legislation:** There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)

- (2) A small package of oil and fibre seed is a package of any certified or commercial oil and fibre seed that does not weigh more than 15 kg.
- (3) The label must be the same colour as the official label for that category of seed.
- (4) The following must appear on the label—
  - (a) the words “[<sup>F4</sup>EU rules and standards]”;
  - (b) the name and address and registration number of the supplier responsible for affixing the label;
  - (c) the reference number of the seed lot;
  - (d) the species (this must be the botanical name, either in full or in abridged form);
  - (e) the variety;
  - (f) for certified seed, the category;
  - (g) for commercial seed the words “commercial seed (not certified as to variety)”;
  - (h) the declared net or gross weight of clusters of pure seeds (except for packages not exceeding 500 grams);
  - (i) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of the seed and the total weight.

**Textual Amendments**

**F4** Words in Sch. 3 substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, 7(2)

**Vegetable seed: supplier’s labels**

- 25.**—(1) A supplier’s label may be used on—
- (a) a package of standard vegetable seed, no matter what the weight, and
  - (b) a small package of certified (CS) seed.
- (2) A small package of certified (CS) vegetable seed is a package of certified (CS) seed that weighs no more than—
- (a) for legumes, 5 kg;
  - (b) for asparagus, beetroot, carrot, chard or spinach beet, gourd, marrow, onion, radish, spinach or turnip, 500 grams;
  - (c) for any other vegetable species, 100 grams;
  - <sup>F6</sup>(d) .....
- (3) The label must be coloured dark yellow for standard seed or blue for certified seed.
- (4) The following must appear on the label [<sup>F7</sup>on a package of standard seed (other than a mixture of different varieties of standard seed of the same species) and certified seed] —
- (a) the words “[<sup>F4</sup>EU rules and standards]”;
  - (b) the name, address and identification number of the person affixing the label;
  - (c) the marketing year of the sealing or of the last examination of germination (the end of the marketing year may be indicated);
  - (d) the species;

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**Changes to legislation:** There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)

- (e) the variety;
- (f) the category: in the case of small packages, certified seed may be marked with the letter ‘C’ or ‘Z’ and standard seed with the letters ‘ST’;
- (g) in the case of standard seed, the reference number given by the person responsible for affixing the labels;
- (h) in the case of certified seed the reference number enabling the certified lot to be identified;
- (i) the declared net or gross weight or declared number of seeds, except for small packages of up to 500 grams;
- (j) 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 clusters [<sup>F8</sup>or pure] seeds and the total weight.

[<sup>F9</sup>(5) The following must appear on the label on a package of a mixture of different varieties of standard seed of the same species—

- (a) the words “EU rules and standards”;
- (b) the name, address and identification number of the person affixing the label;
- (c) the year of sealing expressed as “sealed...[year]” or the year of the last sampling for the purposes of the last testing of germination expressed as “sampled...[year]” (the words “use before...[date]” may be added);
- (d) the words “mixture of varieties of...[name of the species]”;
- (e) the varieties;
- (f) the proportion of the varieties, expressed as net weight or as the number of seeds;
- (g) the reference number given by the person responsible for affixing the labels;
- (h) the net or gross weight or the number of seeds;
- (i) 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 clusters or pure seeds and the total weight.]

#### Textual Amendments

- F4** Words in Sch. 3 substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, [7\(2\)](#)
- F6** Sch. 3 para. 25(2)(d) omitted (6.1.2012) by virtue of [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, [7\(4\)\(a\)](#)
- F7** Words in Sch. 3 para. 25(4) inserted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, [7\(4\)\(b\)\(i\)](#)
- F8** Words in Sch. 3 para. 25(4)(j) substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, [7\(4\)\(b\)\(ii\)](#)
- F9** Sch. 3 para. 25(5) inserted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, [7\(4\)\(c\)](#)

## PART 5

### Sales of loose seed

#### Sales of loose seed

- 26.—(1) Loose (unpacked) seed may be sold in accordance with this paragraph.
- (2) The maximum quantity that may be sold is—
- (a) for fodder seed—
    - (i) 3 kg in the case of field beans and peas;
    - (ii) 2 kg in the case of all other fodder seed;
    - (iii) 7 kg in the case of a mixture of seed;
  - (b) for cereal seed, 5 kg;
  - (c) for beet seed, 2.5 kg;
  - (d) for oil and fibre seed, 5 kg;
  - (e) for vegetable seed—
    - (i) 3 kg in the case of legumes;
    - (ii) 1 kg in the case of all other vegetable seed.
- (3) The sale must be to the final consumer, and the information that would have been required on a package of that seed must be displayed near the point of sale.

#### SCHEDULE 4

Regulation 9(2)

#### Exceptions

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### PART 1

Supply of seed other than by way of marketing

#### **Early multiplication of seed**

- 1.—(1) Seed of an unlisted variety may be supplied by a person licensed to market seed for multiplication for progression through the different generation categories of seed.
- (2) Each generation of seed supplied must have reached the standard required for certification.
- (3) The seed produced must remain the property of the licensed person, and may not be marketed.

#### **Seed as grown**

2. Seed as grown may be sent by the grower for cleaning prior to certification, and to a testing or inspection body for the purposes of certification.

#### **Farm saved seed**

3. Farm-saved seed may only be used by the person who grew it, and may not be marketed or supplied to any other person, but it may be sent for cleaning provided that the person who cleans it returns all the seed to the holding where it was grown.

### PART 2

Marketing seed that does not comply with Schedule 2

#### **Seed with a declared lower germination**

- 4.—(1) Pre-basic and basic seed with a minimum percentage germination standard lower than required in the Directive relating to that seed specified in Schedule 2 may be marketed provided that the supplier guarantees a specific minimum percentage germination.
- (2) The germination must be stated on the official label together with the supplier's name and address and the reference number of the seed lot.

### Early movement of seed

5.—(1) To ensure the early availability of seed, pre-basic, basic and certified seed may be marketed before the official germination result has been received if—

- (a) a seed test report has been issued under these Regulations, indicating that the seed has achieved the required minimum analytical purity standard set out in the Directive relating to that seed specified in Schedule 2, and
- (b) the supplier guarantees the minimum germination for that seed.

[<sup>F10</sup>(2) This does not apply in the case of seed imported from a third country.]

#### Textual Amendments

**F10** Sch. 4 para. 5(2) substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, **8(a)**

### Tetrazolium testing for cereal seed

6. Cereal seed may be marketed if it has been subjected to a tetrazolium test approved by the Secretary of State to establish the viability of the seed instead of the tests specified in Council Directive [66/402/EEC](#) on the marketing of cereal seed<sup>(6)</sup>.

### Marketing seed of conservation varieties

7.—(1) The Secretary of State may authorise the marketing of seed of a conservation variety in accordance with this paragraph.

(2) The seed must be of a variety listed as a conservation variety in the United Kingdom National List.

(3) The seed must be produced from a crop grown in the region of origin specified for the variety in the United Kingdom National List or as authorised by the Secretary of State.

(4) The seed may only be marketed and used in the stated region of origin.

(5) The total amount of seed marketed in any year must be limited in accordance with Article 14 of Commission Directive [2008/62/EC](#)<sup>(7)</sup> (which relates to agricultural conservation varieties) and Article 15 of and Annex I to Commission Directive [2009/145/EC](#)<sup>(8)</sup> (which relates to vegetable conservation varieties).

(6) Except in the case of seed of a vegetable conservation variety which is verified as standard seed, the seed must descend from seed produced according to well-defined practices for maintenance of the variety.

(7) In the case of beet seed, cereal seed, fodder plant seed and oil and fibre seed, the seed must comply with the requirements for certification of certified seed set out in Council Directive [2002/54/EC](#)<sup>(9)</sup> (beet seed), Council Directive [66/402/EEC](#) (cereal seed), Council Directive [66/401/EEC](#)<sup>(10)</sup> (fodder plant seed) or Council Directive [2002/57/EC](#)<sup>(11)</sup> (oil and fibre plant seed) (as the case may be), except the requirements in respect of minimal varietal purity and examination.

(8) Vegetable seed must comply with—

<sup>(6)</sup> OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

<sup>(7)</sup> OJ No L 162, 21.6.2008, p. 13.

<sup>(8)</sup> OJ No L 312, 27.11.2009, p. 44.

<sup>(9)</sup> OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive [2004/117/EC](#) (OJ No L 14, 18.1.2005, p. 18).

<sup>(10)</sup> OJ No L 125, 11.7.1966, p. 2298, as last amended by Commission Directive [2009/74/EC](#).

<sup>(11)</sup> OJ No L 193, 20.7.2002, p. 74, as last amended by Commission Directive [2009/74/EC](#).

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*Changes to legislation: There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)*

- (a) the requirements for certification of certified seed set out in Council Directive [2002/55/EC](#)(**12**) on the marketing of vegetable seed, except the requirements in respect of minimal varietal purity and examination; or
  - (b) the requirements for marketing of standard seed set out in that Directive, except the requirements in respect of minimal varietal purity.
- (9) Seed of a conservation variety must have sufficient varietal purity.
- (10) The seed must not be sold as loose seed under paragraph 26 of Schedule 3.
- (11) The seed must be labelled with a supplier’s label or a printed or stamped notice which, in addition to complying with the applicable provisions of the paragraph of Part 4 of Schedule 3 which applies to the type of seed in question (except provisions specifying a colour of label)—
- (a) contains—
    - (i) in the case of an agricultural conservation variety, the words “conservation variety”, or
    - (ii) in the case of a vegetable conservation variety, the words “certified seed of a conservation variety” or “standard seed of a conservation variety”;
  - (b) states the region of origin; and
  - (c) is coloured brown.
- (12) In this regulation “conservation variety” has the meaning given by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001(**13**).

#### **Marketing preservation mixtures that include uncertified fodder seed**

[<sup>F11</sup>**8**.—(1) The Secretary of State may authorise the marketing of preservation mixtures in accordance with this paragraph.

(2) An application for an authorisation must be made by the producer and must contain such information as the Secretary of State may require to—

- (a) complete the authorisation in accordance with Article 4(2) of Commission Directive 2010/60/EU, as read with Article 4(3) of that Directive; and
  - (b) verify compliance with Article 5 of that Directive (in the case of directly harvested preservation mixtures) or Article 6 of that Directive (in the case of crop-grown preservation mixtures).
- (3) An authorisation—
- (a) may only be granted if the preservation mixture complies with Article 5 of Commission Directive 2010/60/EU (in the case of directly harvested preservation mixtures) or Article 6 of that Directive (in the case of crop-grown preservation mixtures);
  - (b) may only be granted for the marketing of a preservation mixture in its region of origin as determined by the Secretary of State in accordance with Article 3 of Commission Directive 2010/60/EU;
  - (c) may only be granted for a preservation mixture that contains a conservation variety within the meaning of regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001 if that variety complies with the requirements of paragraph 7(1) to (7) and (9); and
  - (d) must specify the matters listed in Article 4(2) of Commission Directive 2010/60/EU, as read with Article 4(3) of that Directive.
- (4) The seed must not be sold as loose seed under paragraph 26 of Schedule 3.

(12) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive [2009/74/EC](#).

(13) [S.I. 2001/3510](#); the definition of “conservation variety” was inserted by [S.I. 2009/1273](#) and substituted by [S.I. 2011/464](#).



**Status:** Point in time view as at 31/12/2012.

**Changes to legislation:** There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)

(5) The seed must be labelled with a pink supplier's label or a printed or stamped notice which, instead of containing the labelling information for mixtures of seed set out in Schedule 3, contains the following information—

- (a) the words “EU rules and standards”;
- (b) the name, address and identification number of the person affixing the label;
- (c) the harvesting method (whether directly harvested or crop-grown);
- (d) the year of sealing expressed as “sealed...[year]”;
- (e) the region of origin;
- (f) the source area;
- (g) the collection site;
- (h) the habitat type of the collection site;
- (i) the words “preservation seed mixture”;
- (j) the reference number of the lot given by the person affixing the label;
- (k) in the case of crop-grown preservation mixtures—
  - (i) the percentage by weight of the components as species and, where relevant, sub-species; and
  - (ii) the specific germination rate for the fodder seed components of the mixture that do not comply with the germination requirements of paragraph 28(2) of Schedule 2 (unless the mixture contains more than five such fodder seed components, in which case the average germination rate for those components may be used);
- (l) in the case of directly harvested preservation mixtures, the percentage by weight of those components as species and, where relevant, sub-species that are typical for the habitat type of the collection site and that are, as components of the mixture, of importance for the preservation of the natural environment in the context of the conservation of genetic resources;
- (m) declared net or gross weight; and
- (n) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of clusters or pure seeds and the total weight.

(6) The total quantity of the seed authorised to be marketed each year must not exceed 5% of the total weight of fodder plant seed mixtures marketed in the United Kingdom in the same year.

(7) Expressions used both in this paragraph and Commission Directive 2010/60/EU have the same meaning in this paragraph as they have in that Directive.]

#### **Textual Amendments**

**F11** Sch. 4 para. 8 substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\)](#), regs. 1, **8(b)**

#### **Marketing unlisted varieties (other than vegetable seed) for tests and trials**

9.—(1) The Secretary of State may authorise the marketing of seed for which an application for entry in the United Kingdom National List has been submitted but not yet granted.

(2) This paragraph does not apply in relation to vegetable seed (for which see the following paragraph).

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- (3) An applicant must be a producer established in England.
- (4) An authorisation is valid for one year and is renewable.
- (5) An authorisation becomes invalid once the variety is added to the United Kingdom National List or the application to be listed is withdrawn or rejected.
- (6) The authorisation may only be requested by the person who has submitted an application for entry of the varieties concerned in the United Kingdom National List.
- (7) An authorisation may only be granted for tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of the variety.
- (8) The quantities authorised for each variety must not exceed the following percentages of seed of the same species used annually in the United Kingdom—
  - (a) in the case of durum wheat: 0.05 %,
  - (b) in the case of field pea, field bean, oats, barley and wheat: 0.3 %,
  - (c) in all other cases: 0.1 %,

except that, if such quantities are not sufficient to sow 10 hectares, the quantity needed for such an area may be authorised.

- (9) Fodder plant seed must comply with the conditions for—
  - (a) certified seed (all species other than field peas and field beans); or
  - (b) certified seed, second generation (field peas and field beans).
- (10) Cereal seed must comply with the conditions for—
  - (a) certified seed (rye, maize and hybrids of oats and red oats, barley, wheat, durum wheat, spelt wheat and triticale other than self-pollinating varieties); or
  - (b) certified seed, second generation oats and red oats, barley, wheat, durum wheat, spelt wheat and self-pollinating varieties of triticale, other than hybrids in each case.
- (11) Beet seed must comply with the conditions for certified seed.
- (12) Seed of oil and fibre plants must comply with the conditions for—
  - (a) certified seed (all species other than flax and linseed);
  - (b) certified seed, second and third generation (flax and linseed).
- (13) The package must be labelled with an orange label which must include the words “variety not yet officially listed; for tests and trials only” and, where applicable “genetically modified variety” in addition to the other labelling requirements in these Regulations.

### **Marketing unlisted varieties of vegetable seed**

**10.**—(1) For the purpose of gaining knowledge and practical experience of a variety during cultivation, the Secretary of State may authorise the marketing of vegetable seed not listed on the United Kingdom National List provided an application has been made for entry into the National List of at least one member State.

- (2) An authorisation is valid for one year and is renewable twice for a period not exceeding one year at each renewal.
- (3) There are no quantitative restrictions on the amount that may be authorised.
- (4) The authorisation may only be requested by the person who has submitted an application for entry of the varieties concerned on to the relevant National List.
- (5) The package must have an orange label and include the words “Variety not yet officially listed” in addition to the other labelling requirements of these Regulations (except that the name of the certifying authority and the country of origin need not appear).

- (6) The person marketing the seed must—
- (a) retain a sample of each seed lot marketed and keep it for at least two years;
  - (b) record for each sale the name and address of the buyer and keep the record for at least three years.

### **Marketing for scientific or selection purposes**

**11.**—(1) The Secretary of State may authorise a producer to place on the market small quantities of seed (other than vegetable seed) for scientific or selection purposes.

(2) The Secretary of State may grant an authorisation whether or not the variety is listed on the United Kingdom National List or the Common Catalogue.

(3) An applicant must be a producer established in England.

(4) The package must have an orange label and include the words “Variety not yet officially listed” (if this is the case) in addition to the other labelling requirements of these Regulations.

(5) The person marketing the seed must—

- (a) retain a sample of each seed lot marketed and keep it for at least two years;
- (b) record for each sale the name and address of the buyer and keep the record for at least three years.

### **Restrictions relating to genetically modified seed**

**12.** The Secretary of State may only grant an authorisation in respect of seed of a genetically modified variety under paragraphs 8 to 11 if the marketing and release of the genetically modified material by the applicant have been authorised for cultivation under either—

- (a) Directive [2001/18/EC](#) of the European Parliament and of the Council (on the deliberate release into the environment of genetically modified organisms(**14**)), or
- (b) Regulation ([EC](#)) No [1829/2003](#) (on genetically modified food and feed(**15**)).

### **Marketing imported seed to be labelled as HVS**

**13.**—(1) Seed certified in another member State or third country may be marketed as meeting a higher voluntary standard in accordance with this paragraph.

(2) A sample must be submitted to the Secretary of State for testing, and the Secretary of State, if satisfied that the sample meets the higher voluntary standard, must issue a certificate confirming this.

(3) The seed must be re-labelled using —

- (a) an official label issued by the Secretary of State if the seed is from another member State, or
- (b) an OECD label if the seed is from a third country,

and in both cases the country of production must be stated on the label.

(4) Seed imported pending inclusion in the United Kingdom National List or not finally certified in the country of production may be verified as being of a higher voluntary standard and re-graded after listing or final certification.

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(14) OJ No L 106, 17.4.2001, p. 1, as last amended by Directive [2008/27/EC](#) (OJ No L 81, 20.3.2008, p. 45).

(15) OJ No L 268, 18.10.2003, p. 1, as last amended by Regulation ([EC](#)) No [298/2008](#) (OJ No L 97, 9.4.2008, p. 64).

*Status: Point in time view as at 31/12/2012.*

*Changes to legislation: There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)*

### **Marketing seed certified in another member State**

14. Seed fully certified and labelled in another member State may be marketed without further certification under these Regulations.

### **Marketing seed of amateur vegetable varieties**

15.—(1) The Secretary of State may authorise the marketing of seed of an amateur vegetable variety in accordance with this paragraph.

(2) The seed must be of a variety listed as an amateur vegetable variety in the United Kingdom National List.

(3) The seed must comply with the requirements for marketing of standard seed set out in Council Directive [2002/55/EC\(16\)](#) on the marketing of vegetable seed, except the requirements in respect of minimal varietal purity.

(4) The seed must have sufficient varietal purity.

(5) The seed must be marketed in small packages not exceeding the net weight specified in Annex II to Commission Directive [2009/145/EC\(17\)](#) (which relates to amateur vegetable varieties).

(6) The seed must be labelled with a supplier's label or a printed or stamped notice which, in addition to complying with the applicable provisions of paragraph 25 of Schedule 3, contains the words "amateur variety".

(7) In this regulation "amateur vegetable variety" has the meaning given by regulation 5A(5) of the Seeds (National Lists of Varieties) Regulations 2001([18](#)).

## **PART 3**

### **Certifying seed that does not fully comply with these Regulations**

#### **Seed not finally certified, harvested in another member State**

16.—(1) Seed—

(a) that has been produced—

(i) directly from basic seed or certified seed of the first generation officially certified either in another member State or in a third country that has been granted equivalence under the Directive relating to that seed specified in Schedule 2, or

(ii) from the crossing of basic seed certified in a member State with basic seed certified in such a third country, and

(b) that has been harvested in another member State,

may be certified if that seed has undergone field inspection for that category of seed and if official examination has shown that the conditions for seed of that category are satisfied.

(2) Where the seed has been produced directly from officially certified seed of generations prior to basic seed, it may be certified as basic seed if the conditions laid down for that category are satisfied.

(3) It must be labelled with a grey label bearing the following information—

(a) the authority responsible for field inspection and the name or initials of the member State;

(16) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

(17) OJ No L 312, 27.11.2009, p. 44.

(18) [S.I. 2001/3510](#); regulation 5A was inserted by [S.I. 2011/464](#).

**Status:** Point in time view as at 31/12/2012.

**Changes to legislation:** There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)

- (b) the species, indicated at least under its botanical name, which may be given in abridged form and without the author's names;
  - (c) the variety (in the case of inbred lines and hybrids intended solely as components for hybrid varieties, the word 'component' must be added);
  - (d) the category;
  - (e) in the case of hybrid varieties, the word 'hybrid';
  - (f) the declared net or gross weight;
  - (g) the words 'seed not finally certified'.
- (4) It must be accompanied by an official document stating—
- (a) the authority issuing the document;
  - (b) the species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names;
  - (c) the variety;
  - (d) the category;
  - (e) the reference number of the seed used to sow the field and name of the country that certified that seed;
  - (f) the reference number of the seed lot or field;
  - (g) the area cultivated for the production of the seed lot covered by the document;
  - (h) the quantity of seed harvested and number of packages;
  - (i) the number of generations after basic seed, in the case of certified seed;
  - (j) an attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled;
  - (k) where appropriate, the results of a preliminary seed analysis.

#### **Seed not finally certified, harvested in a third country**

- 17.—(1) Seed harvested in a third country may be certified if—
- (a) it has been produced directly from—
    - (i) basic seed or certified seed of the first generation certified either in a member State or in a third country that has been granted equivalence under Council Decision [2003/17/EC](#) on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries<sup>(19)</sup>; or
    - (ii) the crossing of basic seed officially certified in a member State with basic seed certified in such a third country;
  - (b) it has undergone field inspection in accordance with Council Decision [2003/17/EC](#);
  - (c) examination has shown that the conditions for seed of that category are satisfied;
  - (d) it is accompanied by a certificate from the competent authority of the country of origin certifying its status.
- (2) The label must be grey.

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<sup>(19)</sup> OJ No L 8, 14.1.2003, p. 10, as last amended by Council Decision [2007/780/EC](#) (OJ No L 314, 1.12.2007, p. 20).

**Status:** Point in time view as at 31/12/2012.

**Changes to legislation:** There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)

### **Marketing extensions**

**18.** The Secretary of State may grant a marketing extension allowing an extended period for the certification and marketing of seed of a variety that has been deleted from the United Kingdom National List or the Common Catalogue.

**Status:**

Point in time view as at 31/12/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the The Seed Marketing Regulations 2011.