
WELSH STATUTORY INSTRUMENTS

2004 No. 2881

The Oil and Fibre Plant Seed (Wales) Regulations 2004

PART III

CONTROL OF OIL AND FIBRE PLANT SEED

Marketing of seed

15.—(1) Subject to paragraph (2) and regulations 18 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 in Wales that has been imported from a third country and exceeds two kilograms shall supply the National Assembly for Wales, 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 officially certified lower germination seed

16. 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 or her name and address and the reference number of the seed lot.

Marketing of officially certified early movement seed

17.—(1) A person may market officially certified early movement pre-basic, officially certified early movement basic or officially certified early movement commercial seed before the completion of the official germination test, if the person marketing the seed —

- (a) obtains a provisional analytical report indicating what the percentage of germination of the seed is likely to be;
- (b) provides the first buyer, upon or before delivery of the seed, with a written statement that the seed is marketed before the completion of the official germination test together with the result in the provisional analytical report;
- (c) notifies the National Assembly for Wales in writing of the name and address of the first buyer by way of trade as soon as practicable after delivery and in any event not later than seven days after delivery;
- (d) guarantees a specific minimum percentage of germination, which shall be the percentage of the germination of the seed as ascertained in the provisional analytical report;
- (e) ensures that a label accompanies the package containing the seed and that the label contains —
 - (i) a statement that the seed is being sold before completion of the official germination test;
 - (ii) a statement of the specific minimum percentage of germination in accordance with paragraph (d), together with his or her name and address and the reference number of the seed lot.
 - (iii) In the event of the official germination test showing the failure of the seed to comply with the minimum germination standard specified in paragraph 8 of Part II of Schedule 4 for seed of the relevant category, the person marketing the seed shall provide the first buyer with the result of the completed official germination test, in writing, as soon as practicable and in any event not later than seven days after being informed of it.

(2) Paragraphs (1) & (2) shall not apply to seed which has been imported into Wales from a country which is not an EEA State.

(3) For purposes of this regulation,

- (a) “officially certified early movement pre-basic seed” means—
 - (i) UK officially certified early movement pre-basic seed of a listed variety;
 - (ii) EC officially certified early movement pre-basic seed of a listed variety;
 - (iii) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and
 - (iv) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.
- (b) “officially certified basic seed” means —
 - (i) UK officially certified early movement basic seed of a listed variety;
 - (ii) EC officially certified early movement basic seed of a listed variety;
 - (iii) UK officially certified early movement basic seed of a component of a listed hybrid variety; and
 - (iv) EC officially certified early movement basic seed of a component of a listed hybrid variety.
- (c) “officially certified early movement commercial seed” means —

- (i) UK officially certified early movement commercial seed;
- (ii) EC officially certified early movement commercial seed.

Exception for scientific purposes and selection work

18.—(1) Subject to paragraphs (6) and (7), 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 National Assembly for Wales in accordance with this regulation, or
- (b) an authorisation has been granted to the producer by or on behalf of —
 - (i) the Secretary of State ;
 - (ii) the Scottish Ministers;
 - (iii) the Department of Agriculture and Rural Development; or
 - (iv) a competent seed certification authority in another member State, pursuant to Article 6(1)(a) of the Oil and Fibre Plant Seed Directive.

(2) An application for an authorisation under paragraph (1)(a) shall be made in such form and manner and at such time as the National Assembly for Wales shall require and shall be accompanied by such information as the National Assembly for Wales may require for the purpose of determining whether to grant an authorisation.

(3) The National Assembly for Wales shall not grant an authorisation under paragraph (1)(a) in respect of seed of a genetically modified variety unless an authorisation is in force in respect of the variety concerned under Part C of Council Directive 2001/18/EC^{M1} on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.

- (4) In granting an authorisation under paragraph (1)(a) the National Assembly for Wales may —
- (a) specify the amount of seed that may be marketed under it, and
 - (b) impose such other conditions as the National Assembly for Wales thinks 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.

(5) The National Assembly for Wales may vary, revoke or add conditions to authorisations to which paragraph (1) applies by service of a notice on the producer.

(6) Where an authorisation to which paragraph (1) applies has been granted, the marketing by a producer of small quantities of seed for scientific purposes or selection work shall be in accordance with the conditions attached to that authorisation, whether granted by the National Assembly for Wales or, subject to paragraph (5), any other competent seed certification authority in the United Kingdom or in another member State.

(7) The National Assembly for Wales may revoke or suspend an authorisation that has effect in Wales by virtue of this regulation by service of a notice on the producer concerned, and where such a notice has been served, marketing of seed for scientific purposes or selection work may only be authorised subsequently by the National Assembly for Wales in accordance with this regulation.

Marginal Citations

M1 O.J. L106, 17.4.2001, p.1.

[^{F1}Exception for test and trial seed

19.—(1) The prohibition in regulation 15(1) does 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 National Assembly in accordance with this regulation; or
- (b) an authorisation which has been granted to the producer by or on behalf of—
 - (i) the Secretary of State;
 - (ii) the Scottish Ministers;
 - (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 an oil and fibre plant species specified in Schedule 2;
- (b) unless a field inspection report has been issued by the National Assembly or by a licensed crop inspector stating that—
 - (i) for linseed, [^{F2}the crop satisfies] the conditions for C2 or C3 seed laid down in Schedule 3; and
 - (ii) for species other than linseed, [^{F2}the crop satisfies] the conditions for CS seed laid down in Schedule 3;
- (c) unless a seed test report has been issued by the National Assembly or by a licensed seed testing station stating that—
 - (i) for linseed, the seed satisfies the conditions for C2 or C3 seed laid down in Schedule 4; and
 - (ii) for species other than linseed, 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 National Assembly in the gazette that complies with Article 14 of the 2004 Commission Decision.

(3) A producer of seed established in Wales may apply to the National Assembly for the grant or renewal of a regulation 19 authorisation.

(4) A regulation 19 authorisation granted by the National Assembly will last for a period of one year or such shorter period as the National Assembly may specify.

(5) An application for authorisation or renewal of a regulation 19 authorisation must be made in writing to the National Assembly and must be accompanied by such information as the National Assembly may require.

(6) The National Assembly will not grant a regulation 19 authorisation unless it 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
- (b) 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 National Assembly will not authorise marketing of an amount of seed in excess of that permitted by Article 7 of the 2004 Commission Decision.

(8) A regulation 19 authorisation may impose such conditions as the National Assembly 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.

(9) The National Assembly may withdraw a regulation 19 authorisation where there is a breach of any condition referred to in paragraph (8).

(10) A regulation 19 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 National Assembly may require a person to whom it has granted a regulation 19 authorisation to provide it 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 19 authorisation has been granted must, within such period as is specified by the National Assembly, lodge copies of the reports referred to in paragraphs (2) (b) and (c) with it.]

Textual Amendments

- F1** Reg. 19 substituted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(3)**
- F2** Words in reg. 19(2)(b)(i)(ii) substituted (11.10.2007) by [The Seed \(Miscellaneous Amendments\) \(Wales\) Regulations 2007 \(S.I. 2007/2747\)](#), regs. 1, **5(5)**

[^{F3}Exception for conservation varieties

19A.—(1) The prohibition in regulation 15(1) does not apply to the marketing of seed of a conservation variety, provided that the requirements of this regulation are met.

(2) The seed must be descended from seed produced according to well defined practices for maintenance of the variety.

(3) The seed must have been harvested from a crop that—

- (a) has been produced in the region of origin for the variety, and
- (b) satisfies the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS, C1, C2 or C3 seed (whichever is the final generation) for the species in question is to be produced, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(4) The seed must satisfy the conditions laid down in Parts II and IV of Schedule 4 for CS, C1, C2 or C3 seed (whichever is the final generation) for the species in question, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(5) The seed may only be marketed in its region of origin.

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(6) A person proposing to produce seed of a conservation variety must supply the Welsh Ministers, in such manner and form as the Welsh Ministers require, with details in writing of the size and location of the area to be used to produce that seed.

(7) For the purposes of Articles 14 and 15(2) of Commission Directive 2008/62 (quantitative restrictions), the Welsh Ministers may specify the maximum amount of conservation variety seed which may be marketed in any given production season; and different maxima for different persons or classes of persons may be specified.

(8) The amount of seed marketed by a person must not exceed any maximum amount specified under paragraph (7) in relation to that person.

(9) Any person marketing seed of a conservation variety must supply the Welsh Ministers, on request, with details in writing of the amount and variety of the seed placed on the market during each production season.

(10) In this regulation—

- (a) “official examination or examination under official supervision” means an official UK field inspection, a UK field inspection carried out under official supervision, or a seed test carried out by an official testing station or under official supervision by a licensed seed testing laboratory;
- (b) “region of origin” has the meaning given to it by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001, but also includes any other area approved by the Welsh Ministers for the purposes of the second paragraph of Article 11(1) of Commission Directive 2008/62.]

Textual Amendments

- F3** [Reg. 19A](#) inserted (30.6.2009) by [The Seed \(Conservation Varieties Amendments\) \(Wales\) Regulations 2009 \(S.I. 2009/1356\)](#), regs. 1(2), **26**

General exemptions

20.—(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 National Assembly for Wales 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 National Assembly for Wales 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 National Assembly for Wales 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 16 of the Oil and Fibre Plant Seed Directive;
 - (b) to give effect to the provisions of a Council Decision made under Article 20 of the Oil and Fibre 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 21 of the Oil and Fibre Plant Seed Directive.
- (4) A general licence issued under paragraph (2) —
- (a) shall have effect during the period specified in it unless the National Assembly for Wales revokes it earlier, and

- (b) may impose such conditions as the National Assembly for Wales thinks 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

21. The prohibition in regulation 15(1) shall not apply to the marketing of a mixture of seeds permitted by the Fodder Plant Seed (Wales) Regulations 2003 ^{M2} that includes seed of a species to which these Regulations apply and that complied, before mixing with the fodder plant seed, with the provisions of these Regulations.

Marginal Citations

M2 S.I. 2002/[3176].

Varietal associations of seed

22.—(1) The prohibition in regulation 15(1) shall not apply to the marketing of a varietal association of seeds —

- (a) to which these Regulations apply, and
- (b) the female and male components of which —
- (i) have been dressed using a different coloured dressing, and
- (ii) have been mechanically combined in the proportions notified to the National Assembly for Wales, the Secretary of State, the Scottish Ministers, the Department of Agriculture and Rural Development or the competent seed certification authority in another member State by the person responsible for the maintenance of the pollinator-dependent hybrid (the female component) and pollinator (the male component) within the varietal association.

(2) Subject to paragraph (3), the person responsible for the maintenance of the pollinator-dependent hybrid and pollinator within a varietal association may notify the National Assembly for Wales of the proportions of the pollinator-dependent hybrid and pollinator within the varietal association.

(3) In a case where different persons are responsible for the maintenance of the pollinator-dependent hybrid and pollinator within a varietal association, those persons may notify the National Assembly for Wales of the proportions of the pollinator-dependent hybrid and pollinator agreed by them within the varietal association.

(4) Any notification given under paragraph (2) or (3) shall be made in such form and manner as the National Assembly for Wales may require and be accompanied by such information and other documents as the National Assembly for Wales may require.

(5) The National Assembly for Wales shall acknowledge the receipt of each notification that it receives under paragraph (2) or (3).

(6) In this regulation —

“pollinator-dependent hybrid” means a male-sterile component within a varietal association;

“pollinator” means a component shedding pollen within a varietal association; and

“varietal association” means an association of officially certified CS seed of a specified pollinator-dependent hybrid variety accepted on to a National List or the Common Catalogue

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with officially certified CS seed of one or more specified pollinator varieties accepted on to a National List or the Common Catalogue.

Sampling

23.—(1) A sample of seeds taken in connection with a [^{F4}regulation 6, 11, 13 or 19] application shall be drawn —

- (a) by an authorised officer or a licensed seed sampler acting under the supervision of the authority who appointed him or her;
- (b) in accordance with the method laid down in Schedule 5 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002 ^{M3}; and
- (c) from a homogeneous seed lot.

[^{F5}(1A) A sample of seed taken from a conservation variety for the purpose of checking compliance with these Regulations must be taken from a homogeneous seed lot.]

(2) Subject to paragraph (3), the maximum weight of a seed lot shall be that set out in column (2) of the table in Schedule 7.

(3) A seed lot may exceed the maximum weight for a seed lot set out in column (2) of the table in Schedule 7 by not more than 5%.

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

(5) If a sample of seeds submitted or taken in connection with a [^{F6}regulation 6, 11, 13 or 19] application —

- (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
- (c) does not comply with paragraph (4);

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 (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(4)**
- F5** [Reg. 23\(1A\)](#) inserted (30.6.2009) by [The Seed \(Conservation Varieties Amendments\) \(Wales\) Regulations 2009 \(S.I. 2009/1356\)](#), regs. 1(2), **27**
- F6** Words in reg. 23(5) substituted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(4)**

Marginal Citations

- M3** S.I. 2002/[3176].

Packaging

24.—(1) No person shall market any officially certified pre-basic, basic CS, C1, C2, C3 or commercial seed unless it is marketed in a sufficiently homogeneous seed lot or in part of such a seed lot.

(2) Paragraph (1) shall not apply to the marketing of a varietal association of seeds to which regulation 22 applies.

(3) Subject to paragraph (4), no person shall market —

- (a) any breeder's seed;
- (b) any officially certified pre-basic, basic CS, C1, C2, C3 or commercial seed; ^{F7}...
- (c) a varietal association of seeds to which regulation 22 applies [^{F8}, ^{F9} ...
- (d) test and trial seed,]^{F10} or
- (e) seed of a conservation variety,]

unless it is in a properly sealed package.

(4) [^{F11}Paragraph (3)(a), (b) and (c)] shall not apply in the case of the marketing of seed not exceeding 5 kilograms in weight to the final consumer.

(5) In this regulation, in the case of breeder's seed [^{F12}and seed of a conservation variety], “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.

(6) In this regulation, in the case of a package of seed to which paragraph (7) applies and that has been sealed only once, “properly sealed package” means —

- (a) in the case of a package of seed sealed in Wales, a sealed package of seed that has been sealed —
 - (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) the United Kingdom, elsewhere than in Wales, or
 - (ii) another member State,

a sealed package of seed that has been sealed in accordance with the provisions of Article 11(1) of the Oil and Fibre 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 paragraph B.I of Part II of the Annex to the Third Country Equivalence Decision.

(7) This paragraph applies to a package of officially certified pre-basic, basic CS, C1, C2, C3 or commercial seed other than a small package of such seed sealed in the United Kingdom.

(8) In this regulation, in the case of a package of a varietal association of seeds to which regulation 22 applies that has been sealed only once, “properly sealed package” means —

- (a) in the case of a package of seed sealed in Wales, 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, and
- (b) in the case of a package of seed sealed in —

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- (i) the United Kingdom, elsewhere than in Wales, or
- (ii) another member State,

a sealed package of seed that has been sealed in accordance with the provisions of Article 11(1) of the Oil and Fibre Plant Seed Directive.

(9) In this regulation, in the case of a small package of officially certified pre-basic, basic, CS, C1, C2, C3 or commercial seed that has been sealed in the United Kingdom, “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.

(10) In this regulation, in the case of a package (other than a small package sealed in the United Kingdom) of officially certified pre-basic, basic CS, C1, C2, C3 or commercial seed, and a package of a varietal association of seeds to which regulation 22 applies, 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 Wales, 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 Wales, 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 11(2) of the Oil and Fibre 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 paragraph B.I of Annex II to the Third Country Equivalence Decision.

[^{F13}(11) 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 Wales, 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
 - (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 Wales, 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

- F7** Word in reg. 24(3)(b) omitted (30.6.2009) by virtue of [The Seed \(Conservation Varieties Amendments\) \(Wales\) Regulations 2009 \(S.I. 2009/1356\)](#), regs. 1(2), **28(2)(a)**
- F8** Reg. 24(3)(d) and word inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(5)(a)**

- F9** Word in reg. 24(3)(c) omitted (30.6.2009) by virtue of [The Seed \(Conservation Varieties Amendments\) \(Wales\) Regulations 2009 \(S.I. 2009/1356\)](#), regs. 1(2), **28(2)(a)**
- F10** Reg. 24(3)(e) and word inserted (30.6.2009) by [The Seed \(Conservation Varieties Amendments\) \(Wales\) Regulations 2009 \(S.I. 2009/1356\)](#), regs. 1(2), **28(2)(b)**
- F11** Words in reg. 24(4) substituted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(5)(b)**
- F12** Words in reg. 24(5) inserted (30.6.2009) by [The Seed \(Conservation Varieties Amendments\) \(Wales\) Regulations 2009 \(S.I. 2009/1356\)](#), regs. 1(2), **28(3)**
- F13** Reg. 24(11) inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(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, C3 or commercial seed, or
- (b) a varietal association 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 small package of officially certified pre-basic, basic, CS, C1, C2, C3 or commercial seed.

(3) Subject to paragraph (4), no person shall reseal a package of —

- (a) officially certified pre-basic, basic, CS, C1, C2, C3 or commercial seed, or
- (b) a varietal association of seeds to which regulation 22 applies,

except a person to whom paragraph (5) applies.

(4) Paragraph (3) shall not apply —

- (a) in the case of a small package of officially certified pre-basic, basic, CS, C1, C2, C3 or commercial seed, or
- (b) where a package has been resealed which had previously been opened by the final consumer of the seed for the purpose of using some of the seed in the package.

[^{F14}(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

- F14** Reg. 25(4A) inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(6)**

Labelling of packages

26.—(1) Subject to paragraphs (2) and (3), no person shall market any breeder's seed, officially certified pre-basic, basic, CS, C1, C2, C3 or commercial seed, [^{F15}a varietal association of seeds to which regulation 22 [^{F16}applies, test and trial seed or seed of a conservation variety]] , except in a package that is labelled in accordance with the following paragraphs of this regulation.

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

(3) A person may market any seeds ^[F17], other than test and trial seed, ^[F18] or seed of a conservation variety] otherwise than in a package that does not comply with the other provisions of this regulation where —

- (a) the seeds are sold in a quantity not exceeding 5 kilograms, and
- (b) the seeds are 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.

(4) A package of breeder's seed shall be labelled in accordance with paragraphs 2 and 3 of Schedule 8.

^[F19](5) A package of officially certified pre-basic seed shall be labelled—

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 4 to 7 of Schedule 8;
- (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,in accordance with the provisions of Article 18(c) of the Oil and Fibre Plant Seed Directive; and
- (c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision.]

(6) A package of officially certified basic, CS, C1, C2 or C3 seed, other than a small package of such seed sealed in the United Kingdom, shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 8 to 12 of Schedule 8;
- (b) in the case of a package of seed sealed —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,in accordance with the provisions of Article 12(1)(a) of the Oil and Fibre Plant Seed Directive; and
- (c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraph B.I of Part II of the Annex to the Third Country Equivalence Decision.

(7) A small package of basic, CS, C1, C2 or C3 seed sealed in Wales shall be labelled in accordance with paragraphs 13 to 15 of Schedule 8.

(8) A package of officially certified commercial seed, other than a small package of such seed sealed in the United Kingdom, shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 16 to 20 of Schedule 8;
- (b) in the case of a package of seed sealed —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,

- in accordance with the provisions of Article 12(1)(a) of the Oil and Fibre Plant Seed Directive; and
- (c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraph B.I of Part II of the Annex to the Third Country Equivalence Decision.
- (9) A small package of officially certified commercial seed sealed in Wales shall be labelled in accordance with paragraphs 21 to 23 of Schedule 8.
- (10) A package of officially certified basic, CS, C1, C2, C3 or commercial seed (other than a small package of such seed sealed in the United Kingdom) shall contain a document that —
- (a) in the case of a package of seed sealed in Wales —
- (i) is the same colour as the official label fixed to the outside of the package in accordance with the provisions of this regulation, and
- (ii) contains the particulars specified in paragraph 8(c), (e) and (f) of Schedule 8 in the case of a package of officially certified basic, CS, C1, C2 or C3 seed and the particulars specified in paragraph 16(b), (d) and (f) of Schedule 8 in the case of a package of officially certified commercial seed;
- (b) in the case of a package of seed sealed —
- (i) in the United Kingdom, elsewhere than in Wales, or
- (ii) in another member State,
- is in accordance with the provisions of Article 12(1)(b) of the Oil and Fibre Plant Seed Directive; and
- (c) in the case of a package of seed sealed in an equivalent third country, is in accordance with the provisions of paragraph B.I of Part II of the Annex to the Third Country Equivalence Decision.
- (11) The provisions of paragraph (10) shall not apply if —
- (a) in the case of a package of officially certified basic, CS, C1, C2 or C3 seed, the following particulars are printed indelibly on the outside of the package —
- (i) the reference number of the seed lot from which the seed has been taken;
- (ii) the species, indicated at least under its botanical name, which may be given in abridged form and without the author's name, in Roman characters; and
- (iii) the variety, indicated at least in Roman characters;
- (b) in the case of a package of officially certified commercial seed, the following particulars are printed indelibly on the outside of the package —
- (i) the words “Commercial seed (not certified as to variety)”;
- (ii) the reference number of the seed lot from which the seed has been taken; and
- (iii) the species, indicated at least under its botanical name, which may be given in abridged form and without the author's name, in Roman characters; or
- (c) the official label is an adhesive or a tear resistant label.
- (12) A package of a varietal association shall be labelled —
- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 24 to 28 of Schedule 8, and
- (b) in the case of a package of seed sealed —
- (i) in the United Kingdom, elsewhere than in Wales, or
- (ii) in another member State,

in accordance with point (aa) of Annex IV to the Oil and Fibre Plant Seed Directive.

[^{F20}(12A) A package of test and trial seed shall be labelled—

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 36, 37 and 38 of Schedule 8; and
- (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,

in accordance with the provisions of Article 9 of the 2004 Commission Decision.]

[^{F21}(12B) A package of seed of a conservation variety must be labelled—

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraph 39 of Schedule 8; and
- (b) in the case of a package of seed sealed—
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,

in accordance with the provisions of Article 18 of Commission Directive 2008/62.]

(13) 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 (3),

shall clearly indicate that the variety has been genetically modified.

(14) If any breeder's seed or officially certified pre-basic, basic, CS, C1, C2, C3 or commercial seed [^{F22}, a varietal association of seed 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) applies, with the particulars given in accordance with that paragraph; and
- (b) in a case where paragraph (3) does not apply —
 - (i) on a separate supplier's label on the package; or
 - (ii) on the label required under paragraph (4), (5), (6), (7), (8), (9) [^{F23}, (12) or (12A)];

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.

(15) Subject to paragraph (16), if a package of official certified pre-basic, basic, CS, C1, C2, C3 or commercial seed, other than a small package of basic, CS, C1, C2, C3 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.

(16) Where a package of seed of the type specified in paragraph [^{F24}3A, 8A,] 16, 17(3), 22, 23(3), 30, 31(4), 38 or 39(4) of Schedule 1 is resealed, the package shall be labelled with an OECD label containing the particulars otherwise required under this regulation.

(17) The particulars and the information given in accordance with this regulation shall be given in one of the official languages of the European Community.

(18) Notwithstanding the provisions of paragraphs (6), (8) and (12) a package (other than a small package) of basic, CS, C1, C2 or C3 seed may be marketed if —

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

(19) 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 herself 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

- F15** Words in reg. 26(1) substituted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(7)(a)**
- F16** Words in reg. 26(1) substituted (30.6.2009) by [The Seed \(Conservation Varieties Amendments\) \(Wales\) Regulations 2009 \(S.I. 2009/1356\)](#), regs. 1(2), **29(2)**
- F17** Words in reg. 26(3) inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(7)(b)**
- F18** Words in reg. 26(3) inserted (30.6.2009) by [The Seed \(Conservation Varieties Amendments\) \(Wales\) Regulations 2009 \(S.I. 2009/1356\)](#), regs. 1(2), **29(3)**
- F19** Reg. 26(5) substituted (11.10.2007) by [The Seed \(Miscellaneous Amendments\) \(Wales\) Regulations 2007 \(S.I. 2007/2747\)](#), regs. 1, **5(6)(a)**
- F20** Reg. 26(12A) inserted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(7)(c)**
- F21** Reg. 26(12B) inserted (30.6.2009) by [The Seed \(Conservation Varieties Amendments\) \(Wales\) Regulations 2009 \(S.I. 2009/1356\)](#), regs. 1(2), **29(4)**
- F22** Words in reg. 26(14) substituted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(7)(d)**
- F23** Words in reg. 26(14)(b)(ii) substituted (31.1.2007) by [The Seed \(Wales\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.I. 2007/119\)](#), regs. 1, **5(7)(e)**
- F24** Words in reg. 26(16) inserted (11.10.2007) by [The Seed \(Miscellaneous Amendments\) \(Wales\) Regulations 2007 \(S.I. 2007/2747\)](#), regs. 1, **5(6)(b)**

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Oil and Fibre Plant Seed (Wales) Regulations 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2012/245 reg. 34\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)