
WELSH STATUTORY INSTRUMENTS

2004 No. 2881

The Oil and Fibre Plant Seed (Wales) Regulations 2004

PART III

CONTROL OF OIL AND FIBRE PLANT SEED

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; ^{F1}...
- (c) a varietal association of seeds to which regulation 22 applies [^{F2}; ^{F3} ...
- (d) test and trial seed,]^{F4}or
- (e) seed of a conservation variety,]

unless it is in a properly sealed package.

(4) [^{F5}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 [^{F6}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

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(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 —

(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.

[^{F7}(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

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**

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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](#)