
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to Wales and come into force on 30 April 2005. They revoke and replace, with modifications, the Fodder Plant Seeds Regulation 1993 (S.I.1993/2009) insofar as they extend to Wales. They also revoke the Fodder Plant Seeds (Amendment) Regulations 1993 (S.I. 1993/2529), the Fodder Plant Seeds (Amendment) Regulations 1996 (S.I. 1996/1453) and the Fodder Plant Seeds (Amendment) Regulations 1999 (S.I. 1999/1864) insofar as they extend to Wales and the Fodder Plant Seeds (Amendment) (Wales) Regulations 2001 (S.I. 2001/3665 (W.297)), all of which amended the 1993 Regulations.

The 1993 Regulations implemented the provisions of Council Directive 66/401/EEC on the marketing of fodder plant seed (O.J. No. L125, 11.7.66, p. 2298/66, OJ/SE 1965-66 p.132). These Regulations continue to implement the provisions of that Directive as last amended by Commission Directive 2004/55/EC (O.J. No. L 114 21.4.2004, p.18.). These Regulations also give effect to Commission Decision 2004/266/EC (O.J. L 83 20.3.2004, p.23) authorising the indelible printing of prescribed information on packages of seed of fodder plants.

The Regulations apply to the certification and marketing of fodder plant seed of the species specified in Schedule 2 to these Regulations (regulation 5).

The Regulations include provisions that lay down the procedures relating to the certification of fodder plant seed in Wales (Part II), including provisions relating to the entry of seed lots (regulation 6), the entry of crops (regulation 7), the field inspection of crops (regulation 8), the lodging of field inspection reports and similar documents (regulation 9), the re-grading of crops (regulation 10), seed testing (regulation 11), the lodging of seed test reports (regulation 12), the re-grading of seed (regulation 13) and the withdrawal of official certification (regulation 14).

The Regulations include provisions that prohibit the marketing of fodder seed in Wales except for seed that falls into one of the categories listed in Schedule 6 (regulation 15). These categories are defined in Schedule 1. The prohibition does not apply in the case of seed of a category that is not listed in Schedule 6 where an authorisation has been granted for scientific purposes or selection work (regulation 19) or for the purpose of tests and trials (regulation 20) or is authorised by a general licence made under regulation 21.

The Regulations lay down requirements relating to the sampling (regulation 23) and packaging (regulation 24) of seed and the sealing (regulation 25) and labelling of packages (regulation 26) of seed.

The Regulations enable the National Assembly for Wales to make arrangements for any person to act under its responsibility in carrying out official measures (regulation 28) and include provisions relating to the charging of fees (regulation 29).

The contravention of these Regulations is a criminal offence (section 16(7) of the Plant Varieties and Seeds Act 1964).

A Regulatory Appraisal has been prepared for these Regulations and a copy can be obtained from the Animal and Plant Health Division, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.