
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in Wales and come into force on 18 November 2005. They revoke and replace, with modifications, the Vegetable Seeds Regulation 1993 (S.I.1993/2008) insofar as they apply to Wales. They also revoke the Vegetable Seeds (Amendment) Regulations 1996 (S.I. 1996/1452) and the Vegetable Seeds (Amendment) Regulations 1999 (S.I. 1999/1863) insofar as they apply to Wales and the Vegetable Seeds (Amendment)(Wales) Regulations 2001 (S.I. 2001/3667), all of which amended the 1993 Regulations. These Regulations also provide that, where there is a requirement for a consent to have been obtained either in accordance with Council Directive 2001/18/EC on the deliberate release to the environment of genetically modified organisms or in accordance with Council Regulation (EC) No 1829/2003 on genetically modified food and feed.

The 1993 Regulations implemented the provisions of Council Directive 70/458/EEC on the marketing of vegetable seed (O.J. No. L225, 12.10.1970, p.7, OJ/SE 1970 (III) p.674). That Directive, as amended, was replaced by Council Directive 2002/55/EC on the marketing of vegetable seed (O.J. L193, 20.7.2002, p.33). These Regulations implement the provisions of that Directive.

The Regulations apply to the certification and marketing of vegetable 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 vegetable 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 vegetable 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 18) or for the market testing (regulation 19) or is authorised by a general licence made under regulation 20.

The Regulations lay down requirements relating to the sampling (regulation 22) and packaging (regulation 23) of seed and the sealing (regulation 24) and labelling of packages (regulation 25) of seed.

The Regulations enable the National Assembly 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. A copy of the Regulatory Appraisal can be obtained from the Department for Environment, Planning and Countryside, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.