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WELSH STATUTORY INSTRUMENTS

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**2005 No. 3036**

**The Cereal Seed (Wales) Regulations 2005 (revoked)**

**PART II**

**PROCEDURES RELATING TO THE OFFICIAL CERTIFICATION OF SEED**

**Field inspection of crops**

**8.—(1)** Subject to paragraph (2), an application may be made to the National Assembly by a registered person for the field inspection of—

- (a) a crop being produced in Wales from an entered or late entered seed lot from which it is intended that pre-basic seed of maize or rye (including a component used in the production of a listed hybrid variety in each case), triticale or a component used in the production of a listed hybrid variety of barley, durum wheat, oats, self-pollinating triticale, spelt wheat or wheat is to be harvested (“a regulation 8(1)(a) crop”);
- (b) a crop being produced in Wales from an entered or late entered seed lot from which it is intended that pre-basic seed of barley, durum wheat, oats, spelt wheat or wheat, other than a component used in the production of a listed hybrid variety, is to be harvested (“a regulation 8(1)(b) crop”);
- (c) a crop being produced in Wales from an entered or late entered seed lot from which it is intended that basic seed of maize or rye (including a component of a hybrid variety in each case), triticale or a component of a hybrid variety of barley, durum wheat, oats, self-pollinating triticale, spelt wheat or wheat is to be harvested (“a regulation 8(1)(c) crop”);
- (d) a crop being produced in Wales from an entered or late entered seed lot from which it is intended that HVS level basic seed of barley, durum wheat, oats, spelt wheat or wheat, other than a component of a hybrid variety, is to be harvested (“a regulation 8(1)(d) crop”);
- (e) a crop being produced in Wales from an entered or late entered seed lot from which it is intended that minimum level basic seed of barley, durum wheat, oats, spelt wheat or wheat, other than a component of a hybrid variety, is to be harvested (“a regulation 8(1)(e) crop”);
- (f) a crop being produced in Wales from a late entered seed lot from which it is intended that CS seed of—
  - (i) maize (including a hybrid of maize);
  - (ii) rye, except for a hybrid of rye; or
  - (iii) a hybrid of barley, durum wheat, oats, a self-pollinating variety of triticale, spelt wheat or wheat;is to be harvested (“a regulation 8(1)(f) crop”);
- (g) a crop being produced in Wales from a late entered seed lot from which it is intended that HVS level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested (“a regulation 8(1)(g) crop”);

- (h) a crop being produced in Wales from a late entered seed lot from which it is intended that minimum level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested (“a regulation 8(1)(h) crop”);
- (i) a crop being produced in Wales from a late entered seed lot from which it is intended that C1 seed of triticale is to be harvested (“a regulation 8(1)(i) crop”);
- (j) a crop being produced in Wales from a late entered seed lot from which it is intended that HVS level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested (“a regulation 8(1)(j) crop”);
- (k) a crop being produced in Wales from a late entered seed lot from which it is intended that minimum level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested (“a regulation 8(1)(k) crop”);
- (l) a crop being produced in Wales from a late entered seed lot from which it is intended that C2 seed of triticale is to be produced (“a regulation 8(1)(l) crop”);
- (m) a crop being produced in Wales from an entered seed lot from which it is intended that CS seed of—
- (i) maize or rye (including a hybrid of maize or rye), or
  - (ii) a hybrid of barley, durum wheat, oats, a self-pollinating variety of triticale, spelt wheat or wheat,
- is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 8(1)(m) crop”);
- (n) a crop being produced in Wales from an entered seed lot from which it is intended that HVS level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 8(1)(n) crop”);
- (o) a crop being produced in Wales from an entered seed lot from which it is intended that minimum level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 8(1)(o) crop”);
- (p) a crop being produced in Wales from an entered seed lot from which it is intended that C1 seed of triticale is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 8(1)(p) crop”);
- (q) a crop being produced in Wales from an entered seed lot from which it is intended that HVS level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 8(1)(q) crop”);
- (r) a crop being produced in Wales from an entered seed lot from which it is intended that minimum level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 8(1)(r) crop”); or
- (s) a crop being produced in Wales from an entered seed lot from which it is intended that C2 seed of triticale is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 8(1)(s) crop”).
- (2) An application made under paragraph (1) shall not be made in respect of a regulation 8(1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) crop to produce seed of a variety or hybrid variety that is not listed, or seed of a component of a hybrid variety that is not listed, unless—
- (a) an application for the listing of the variety or the hybrid variety has been made which has not been withdrawn or finally determined; or

- (b) a marketing extension is in force in respect of the variety or hybrid variety.
- (3) Subject to paragraph (4), an application may be made to a licensed crop inspector by a registered person for the field inspection of—
- (a) a crop being produced in Wales from an entered seed lot from which it is intended that CS seed of—
    - (i) maize or rye (including a hybrid of maize or rye), or
    - (ii) a hybrid of barley, durum wheat, oats, self-pollinating triticale, spelt wheat or wheat, is to be harvested (“a regulation 8(3)(a) crop”);
  - (b) a crop being produced in Wales from an entered seed lot from which it is intended that HVS level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested (“a regulation 8(3)(b) crop”);
  - (c) a crop being produced in Wales from an entered seed lot from which it is intended that minimum level C1 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested (“a regulation 8(3)(c) crop”);
  - (d) a crop being produced in Wales from an entered seed lot from which it is intended that C1 seed of triticale is to be harvested (“a regulation 8(3)(d) crop”);
  - (e) a crop being produced in Wales from an entered seed lot from which it is intended that HVS level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested (“a regulation 8(3)(e) crop”);
  - (f) a crop being produced in Wales from an entered seed lot from which it is intended that minimum level C2 seed of barley, durum wheat, oats, spelt wheat or wheat is to be harvested (“a regulation 8(3)(f) crop”); or
  - (g) a crop being produced in Wales from an entered seed lot from which it is intended that C2 seed of triticale is to be harvested (“a regulation 8(3)(g) crop”).
- (4) An application made under paragraph (3) shall not be made—
- (a) in respect of a crop to produce seed of a variety or a hybrid variety that is not listed unless a marketing extension is in force in respect of the variety or hybrid variety; and
  - (b) except in respect of a crop that is being produced from—
    - (i) seed that has been subject to satisfactory official post control, or
    - (ii) seed that is subject to official post control and for which a determination as to whether the seed is satisfactory seed from which to produce seed of the category and, where applicable, level to which the application relates is awaited.
- (5) If required by the National Assembly, an application made under paragraph (3) shall be considered by it instead of by a licensed crop inspector.
- (6) If permitted by the National Assembly, an application made under paragraph (3) may be made to it instead of to a licensed crop inspector.
- (7) An application made under this regulation shall be made in such form and manner and at such time as the National Assembly may require and shall be accompanied by such information, material, records, illustrations and other documents as it may require.
- (8) Following the receipt of an application made under paragraph (1) or (3), the National Assembly (in the case of an application made under paragraph (1) or an application made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6)), or the licensed crop inspector to whom an application has been made under paragraph (3) (as the case may be) shall inspect the crop in accordance with the relevant provisions of paragraph 15 of Schedule 3 to determine—

- (a) whether the crop meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the category and, where applicable, level of seed intended to be harvested, and
- (b) unless requested not to do so by the applicant, whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any other category and level of seed to which paragraph (17) applies.

(9) Subject to paragraph (13), where in the case of an application made to the National Assembly under paragraph (1) or an application made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6), the inspected crop is found to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of—

- (a) the category and, where applicable, level of seed intended to be harvested, and
- (b) where applicable, any other category and level of seed to which paragraph (17) applies,

the National Assembly shall issue a field inspection report (which it shall retain as a lodged report unless instructed not to do so by the applicant) stating (by reference to the relevant category or categories and, where applicable, level of seed) that the crop has been found to meet those conditions and shall send the report, or (in a case where the original report is to be retained as a lodged report by the National Assembly) a copy of the report, to the applicant.

(10) Where in the case of an application made to a licensed crop inspector under paragraph (3) the inspected crop is found to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production—

- (a) of the category and, where applicable, level of seed intended to be harvested, and
- (b) where applicable, any other category and level of seed to which paragraph (17) applies,

the licensed crop inspector shall issue a field inspection report to the applicant stating (by reference to the relevant category or categories and, where applicable, level of seed) that the crop has been found to meet those conditions.

(11) Subject to paragraph (13), where in the case of an application made to the National Assembly under paragraph (1) or an application made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6), the inspected crop is found not to satisfy the conditions laid down in Schedule 3 or Part I of Schedule 4 for the production of the category and, where applicable, level of seed intended to be harvested, the National Assembly shall issue a field inspection report (which it shall retain as a lodged report unless instructed not to do so by the applicant)—

- (a) stating that the crop has been found not to meet those conditions, and
- (b) in a case where the crop has been inspected to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any other category and, where applicable, level of seed to which paragraph (17) applies, stating the conditions (by reference to the relevant category or categories and, where applicable, level of seed), if any, met by the crop,

and shall send the report, or (in a case where the original report is to be retained as a lodged report by the National Assembly) a copy of the report, to the applicant.

(12) Where in the case of an application made to a licensed crop inspector under paragraph (3) the inspected crop is found not to satisfy the conditions laid down in Schedule 3 or Part I of Schedule 4 for the production of the category and, where applicable, level of seed intended to be harvested, the licensed crop inspector shall issue a field inspection report to the applicant—

- (a) stating that the crop has been found not to meet those conditions, and
- (b) in a case where the crop has been inspected to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any other category

and, where applicable, level of seed to which paragraph (17) applies, stating the conditions (by reference to the relevant category or categories and, where applicable, level of seed), if any, met by the crop.

(13) Where—

- (a) an application has been made to the National Assembly under paragraph (1), or an application has been made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6), in respect of a crop produced from seed which was taken from a seed lot for which a control plot has been sown, and
- (b) the results of the examination of the control plot show that the plants produced in the plot do not meet the conditions laid down in Schedule 3 or Parts I and III of Schedule 4 for the production of the category and, where appropriate, level of seed intended to be harvested,

the National Assembly may take account of the results of that examination when carrying out an inspection of the crop to which the paragraph (1) or (3) application relates and in determining whether it should issue a field inspection report under paragraph (9) or (11).

(14) Where paragraph (15) applies, the National Assembly may carry out its own examination of—

- (i) a crop to which an application made under paragraph (3) relates;
- (ii) any other crops that are being produced from seed that has been taken from the same seed lot and in respect of which an application has been made under paragraph (3); or
- (iii) both the crops referred to in paragraphs (i) and (ii).

(15) This paragraph applies where—

- (a) an application has been made to a licensed crop inspector under paragraph (3) in respect of seed that is subject to official post-control;
- (b) the plants produced in the control plot being used for the purpose of the official post control have been examined by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development; and
- (c) it has been determined by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, having regard to—

(i) the conditions laid down in paragraphs 4 to 10, 11(4) to (7), 12(4) to (6), 14 and 16 of Schedule 3, and paragraphs 1 to 5, 7, 10, 17, 18 and 20 of Schedule 4, and

(ii) the category and, where applicable, level of seed to which the application relates, that the plants produced in the control plot are not satisfactory plants from which to produce seed of the category and, where applicable, level to which the application relates.

(16) Where the National Assembly has carried out an examination of the crop referred to in paragraph (14)(i) or the crops referred to in paragraph (14)(ii), or has carried out an examination of both the crop referred to in paragraph (14)(i) and the crops referred to in paragraph (14)(ii), the National Assembly shall inform the applicant whether it is satisfied that the seed used to produce the crop to which the application relates was satisfactory seed to be used for the production of the category, and, where applicable, level of seed to which the application relates, and, if the National Assembly is satisfied that this is the case, the seed used to produce the crop, and seed from the same seed lot, shall be treated as being seed that has been subject to satisfactory official post control for the production of that category and, where applicable, level of seed.

(17) This paragraph applies to the following categories and, where applicable, levels of seed—

- (a) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop of maize, rye or triticale, other than a component used in the production of a listed

- hybrid variety in each case, that has been produced from breeder's seed, to the category of basic seed;
- (b) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop of maize or rye, other than a component used in the production of a listed hybrid variety in each case, that has been produced from officially certified pre-basic seed, to the categories of basic and CS seed;
  - (c) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop of triticale, other than a component used in the production of a listed hybrid variety, that has been produced from officially certified pre-basic seed, to the categories of basic, C1 and C2 seed;
  - (d) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop of a component used in the production of a listed hybrid variety, to the category of basic seed;
  - (e) in the case of an application made under paragraph (1) relating to a regulation 8(1)(b) crop of barley, durum wheat, oats, spelt wheat or wheat, other than a component used in the production of a listed hybrid variety in each case, that has been produced from breeder's seed, to the categories of HVS level and minimum level basic seed;
  - (f) in the case of an application made under paragraph (1) relating to a regulation 8(1)(b) crop of barley, durum wheat, oats, spelt wheat or wheat, other than a component of a hybrid variety in each case, that has been produced from officially certified pre-basic seed, to the categories of HVS level basic, minimum level basic, HVS level C1, minimum level C1, HVS level C2 and minimum level C2 seed;
  - (g) in the case of an application made under paragraph (1) relating to a regulation 8(1)(c) crop of a component of a hybrid variety of barley, durum wheat, maize (other than a regulation 8(1)(c) crop of maize being grown to produce a simple hybrid of maize as a component of a more complex hybrid), oats, rye, self-pollinating triticale, spelt wheat or wheat, to the category of pre-basic seed;
  - (h) in the case of an application made under paragraph (1) relating to a regulation 8(1)(c) crop of maize or rye produced from officially certified pre-basic seed, other than a component of a hybrid in each case, to the categories of pre-basic and CS seed;
  - (i) in the case of an application made under paragraph (1) relating to a regulation 8(1)(c) crop of triticale, other than a component of a hybrid variety, produced from officially certified pre-basic seed, to the categories of pre-basic, C1 and C2 seed;
  - (j) in the case of an application made under paragraph (1) relating to a regulation 8(1)(d) crop of barley, durum wheat, oats, rye, spelt wheat, triticale or wheat produced from breeder's seed, to the categories of pre-basic and minimum level basic seed;
  - (k) in the case of an application made under paragraph (1) relating to a regulation 8(1)(d) crop of barley, durum wheat, oats, spelt wheat or wheat produced from officially certified pre-basic seed, to the categories of pre-basic, minimum level basic, HVS level C1, minimum level C1, HVS level C2 and minimum level C2 seed;
  - (l) in the case of an application made under paragraph (1) relating to a regulation 8(1)(e) crop of barley, durum wheat, oats, spelt wheat or wheat that has been produced from breeder's seed, to the categories of pre-basic and HVS level basic seed;
  - (m) in the case of an application made under paragraph (1) relating to a regulation 8(1)(e) crop of barley, durum wheat, oats, spelt wheat or wheat that has been produced from officially certified pre-basic seed, to the categories of pre-basic, HVS level basic, HVS level C1, minimum level C1, HVS level C2 and minimum level C2 seed;

- (n) in the case of an application made under paragraph (1) relating to a regulation 8(1)(g) or (n) crop or an application made under paragraph (3) relating to a regulation 8(3)(b) crop of barley, durum wheat, oats, spelt wheat or wheat, to the categories of minimum level C1, HVS level C2, and minimum level C2 seed;
- (o) in the case of an application made under paragraph (1) relating to a regulation 8(1)(h) or (o) crop or an application made under paragraph (3) relating to a regulation 8(3)(c) crop of barley, durum wheat, oats, spelt wheat or wheat, to the categories of HVS level C1, HVS level C2 and minimum level C2 seed;
- (p) in the case of an application made under paragraph (1) relating to a regulation 8(1)(i) or (p) crop or an application made under paragraph (3) relating to a regulation 8(3)(d) crop of triticale, to the category of C2 seed; and
- (q) in the case of an application made under paragraph (1) relating to a regulation 8(1)(j) or (q) crop or an application made under paragraph (3) relating to a regulation 8(3)(e) crop of barley, durum wheat, oats, spelt wheat or wheat, to the category of minimum level C2 seed; and
- (r) in the case of an application made under paragraph (1) relating to a regulation 8(1)(k) or (r) crop or an application made under paragraph (3) relating to a regulation 8(3)(f) crop of barley, durum wheat, oats, spelt wheat or wheat, to the category of HVS level C2 seed.

(18) In this regulation “seed that is subject to official post control” means seed from a seed lot for which a control plot has been sown by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development to produce plants which are to be, or have been, examined by or on behalf of the National Assembly, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, as the case may be, to determine whether, having regard to—

- (a) the conditions laid down in—
  - (i) paragraphs 4 to 10, 11(4) to (7), 12(4) to (6), 14 and 16 of Schedule 3, and
  - (ii) paragraphs 1 to 5, 7, 10, 17, 18 and 20 of Schedule 4, andthe category and, where applicable, level of the seed,

the plants produced in the plot indicate that the corresponding plants in the field are satisfactory plants from which to harvest the category and, where applicable, level of seed in respect of which the paragraph (3) application has been made.

**Status:**

Point in time view as at 18/11/2005. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Cereal Seed (Wales) Regulations 2005 (revoked), Section 8.