STATUTORY INSTRUMENTS

1979 No. 1003

SEEDS

The Cereal Seeds (Amendment) Regulations 1979

Made - - -	*3rd August* 1979
Laid before Parliament	*14th August* 1979
Coming into Operation	*10th September* 1979

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4), (5) and (8), 26(3) and 36 of the Plant Varieties and Seeds Act 1964(**a**) and now vested in them(**b**) and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned, hereby make the following regulations:—

Application, citation and commencement

1. These regulations, which apply to Great Britain, may be cited as the Cereal Seeds (Amendment) Regulations 1979 and shall come into operation on 10th September 1979.

Amendment

2. The Cereal Seeds Regulations 1976(**c**) are hereby amended in the manner and to the extent prescribed in the Schedule to these regulations.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th July 1979.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

(**a**) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and paragraph 5(1), (2) and (3) of Schedule 4.

(**b**) By the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(**c**) S.I. 1976/1133.

George Younger,
Secretary of State for Scotland.

26th July 1979.

Nicholas Edwards,
Secretary of State for Wales.

3rd August 1979.

SCHEDULE

AMENDMENTS TO THE CEREAL SEEDS REGULATIONS 1976

1. In regulation 3(2)—

for the definition of "maintainer" there shall be substituted:

> "maintainer" means a person who is indicated in a National List or in the Common Catalogue as responsible for maintaining the plant variety with the morphological, physiological or other characteristics to which regard was had when the plant variety was entered in the List or the Common Catalogue;

for the definition of "the Minister" and "the Ministers" there shall be substituted:

> "the Minister" means, as respects England, the Minister of Agriculture, Fisheries and Food and, as respects Scotland or Wales, the Secretary of State, and "the Ministers" means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly;

in the definition of "National List", for "1973" there shall be substituted "1979", and for the footnote relating to the regulations there cited there shall be substituted "(*a*) S.I. 1979/133".

2. In regulation 5(2), for "1974" there shall be substituted "1976", and for the footnote relating to the regulations there cited there shall be substituted "(*a*) S.I. 1976/1283".

3. In regulation 5(3), for the words from "taking effect" to "by the licence" there shall be substituted:

> "which may impose conditions and shall have effect during the period specified in it unless the Minister earlier revokes it,".

4. In regulations 6(1) and 12(5) for the word "procedure" there shall be substituted "rules".

5. At the end of regulation 6 a further paragraph shall be added as follows:

> "(4) If a sample of seeds taken for the purposes of an official examination is found to have been taken from an insufficiently homogeneous seed lot, or otherwise not to have been taken in accordance with the rules set out in Schedule 3, no or no further official examination shall be made of that sample, and any findings or results obtained in the course of any such examination thereof already made shall be deemed null and void."

6. In Schedule 1—

for the names of the two kinds of barley named there shall be substituted one single name as follows:

"*Hordeum vulgare* L. ... ... Barley"

and after the Latin name "*Triticum aestivum* L." there shall be added "emend. Fiori et Paol.".

7. In Part I of Schedule 2—

for paragraph 1 and its heading there shall be substituted:

"*Varietal characteristics and purity*

1. So far as the Minister can ascertain them, by the use of methods which shall include inspection of the crop and may include examination of a plot sown with a sample from the seed lot sown in the field and the consideration of any other relevant information available to him, the varietal characteristics shall be those recognised as those of the variety for the purposes of the National List or the Common Catalogue and the standards of varietal purity specified in paragraph 6 below shall be met."

and for paragraph 6 and its heading there shall be substituted:

"*Standards for varietal purity, species purity and wild oats*

6.

Crops to produce	Level	Varietal purity excluding rye and maize percentage (by number)	Species purity excluding rye and maize percentage (by number)	Wild oats* maximum number per hectare		
				oats	barley	other cereals
Basic seed	†Higher voluntary standard	99·95	99·99	Nil	7	7
	Minimum standard	99·9	No standard	Nil	7	7
Certified seed of the first generation	†Higher voluntary standard	99·9	99·99	Nil	7	7
	Minimum standard	99·7	No standard	Nil	125	625
Certified seed of the second generation	†Higher voluntary standard	99·7	99·99	Nil	7	7
	Minimum standard	99·0	No standard	Nil	125	625

*Wild oats—*Avena fatua, Avena sterilis, Avena ludoviciana.*

†Higher voluntary standards apply only to oats, barley and wheat.

Standards for Loose Smut

7. Barley, wheat, hard wheat, spelt wheat	Minimum Standard	Higher Voluntary Standard
	(percentage by number)	
Basic seeds	Not more than 0·5 infection	Not more than 0·1 infection
Certified seeds of the first generation	Not more than 0·5 infection	Not more than 0·2 infection
Certified seeds of the second generation	Not more than 0·5 infection	Not more than 0·2 infection

provided that seeds produced from a crop which has failed on official examination to meet the standards laid down by this paragraph may nevertheless be marketed—

(*a*) if they have been adequately treated with a chemical approved by the Minister for the control of loose smut, or

(*b*) if an embryo test carried out by or on behalf of the Minister shows that the seeds meet those standards"

and paragraph 7 shall be re-numbered 8.

8. In Part III of Schedule 2—

in the standards for loose smut for certified seeds of the second generation for the words "No standard" there shall be substituted "Not more than 0·5 infection" under Minimum Standard and "Not more than 0·2 infection" under Higher Voluntary Standard.

9. In Part I of Schedule 3—

for the heading and paragraph 1 there shall be substituted:

"RULES FOR THE TAKING OF SAMPLES

1. Before sampling a seed lot shall be well mixed so as to be as homogeneous as is practicable."

10. In Schedule 4—

the headings of Part I and Part II shall be amended by the addition of "(as amended)" after "THE CEREAL SEEDS REGULATIONS 1976";

in Part II, for that part of the form of certificate specified between and including the words "Result of Test" and the words "Weed seeds" there shall be substituted:

"Result of Test

% Pure seeds	% Inert matter	% Other seeds

Inert matter
Other seeds".

11. In Schedule 5—

Part I A—

in the list of prescribed contents a new item shall be inserted after item 3 as follows:

"4. Month and year when officially sealed"

and items 4 to 10 inclusive shall be re-numbered 5 to 11 respectively.

Part I B—

in the list of prescribed contents a new item shall be inserted after item 2 as follows:

"3. Month and year when officially sealed"

and items 3 to 8 inclusive shall be re-numbered 4 to 9 respectively.

Part I C—

in the list of prescribed contents a new item shall be inserted after item 3 as follows:

"4. Month and year when officially sealed"

and items 4 to 6 inclusive shall be re-numbered 5 to 7 respectively.

Part III A—

in the list of prescribed contents a new item shall be inserted after item 8 as follows:

"9. Passed for marketing in United Kingdom only".

Part III B—

in the list of prescribed contents a new item shall be inserted after item 5 as follows:

"6. Passed for marketing in United Kingdom only".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Cereal Seeds Regulations 1976 (S.I. 1976/1133), which give effect to Directive 66/402/EEC of the Council of the European Economic Community (OJ No. 125 11.7.1966) on the marketing of cereal seed.

The amendments, which give effect to Directives 78/55 EEC and 78/692 EEC of the Council (OJ No. L16, 20.1.1978 and OJ No. L236, 26.8.1978) requiring certain alterations in labelling requirements, also make changes to definitions, to references to other statutory instruments and to provisions relating to general licences and the sampling and testing of seeds.

SI 1979/1003
ISBN 0-11-094003-2

