1979 No. 419

SEEDS

Cereal Seeds (Amendment) Regulations (Northern Ireland) 1979

Made . . . . . 28*th November* 1979

Coming into operation . . . 10*th January* 1980

The Department(a) of Agriculture, in exercise of the powers conferred upon it by sections 1(b), 4 and 9 of the Seeds Act (Northern Ireland) 1965(c) and of every other power enabling it in that behalf, and after consultation with representatives of such interests as appear to it to be concerned, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Cereal Seeds (Amendment) Regulations (Northern Ireland) 1979 and shall come into operation on 10th January 1980.

Amendment of principal regulations

2. The Cereal Seeds Regulations (Northern Ireland) 1976(d) are hereby amended in the manner and to the extent set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 28th November 1979.

(L.S.) *D. J. Alexander*
Assistant Secretary

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) As amended by S.R. & O. (N.I.) 1972 No. 351 (p. 1740) Art. 3 and Sch. 3
(c) 1965 c. 22 (N.I.)
(d) S.R. 1976 No. 300 (II, p. 1479)

SCHEDULE Regulation 2

Amendments to the Cereal Seeds Regulations (Northern Ireland) 1976

1. In regulation 3(1):

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;

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

in the definition of "official examination" the words "and Wales" shall be deleted and after "in relation to Scotland, the Secretary of State" there shall be added "for Scotland or, in relation to Wales, the Secretary of State for Wales".

2. In regulation 5(2) for "1974" there shall be substituted "1976", and for the footnote relating to the regulations there shall be substituted "(f) S.R. 1976 No. 299 (II, p. 1448)".

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 set out therein unless the Department revokes it at an earlier date,".

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

5. At the end of regulation 6 there shall be added:

"(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 2 kinds of barley named there shall be substituted the following single name:

"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 Department 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 it, the varietal characteristics recognised shall be those of the variety for the purposes of the National List or the Common Catalogue and the standards of varietal purity set out in paragraph 6 shall be met."

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

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

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*
Basic seed	†Higher voluntary standard	99.95	99.99	Nil
	Minimum standard	99.9	No standard	Nil
Certified seed of the first generation	†Higher voluntary standard	99.9	99.99	Nil
	Minimum standard	99.7	No standard	Nil
Certified seed of the second generation	†Higher voluntary standard	99.7	99.99	Nil
	Minimum standard	99.0	No standard	Nil

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

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

8. Paragraph 7 shall be renumbered paragraph 8 and after paragraph 6 there shall be inserted:

"Standards for Loose Smut

7. Barley, wheat, hard wheat, spelt wheat

	Minimum standard (*percentage by number*)	*Higher voluntary standard*
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 Department for the control of loose smut, or

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

9. 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.*

10. 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.".

11. In Part II of Schedule 4 for that part of the form of certificate set out between and including the words "Results of Tests" and the words "Weed seeds" there shall be substituted:

"Result of Test

% *Pure seeds*	% *Inert matter*	% *Other seeds*

Inert matter

Other seeds".

12. In sub-paragraph (*a*) of paragraph A of Part I of Schedule 5 in the list of prescribed contents after item 3 the following item shall be inserted:

"4. Month and year when officially sealed"

and items 4 to 10 inclusive shall be renumbered 5 to 11 respectively.

13. In sub-paragraph (*a*) of paragraph B of Part I of Schedule 5 in the list of prescribed contents after item 2 the following item shall be inserted:

"3. Month and year when officially sealed"

and items 3 to 8 inclusive shall be renumbered 4 to 9 respectively.

14. In sub-paragraph (*a*) of paragraph C of Part I of Schedule 5 in the list of prescribed contents after item 3 the following item shall be inserted:

"4. Month and year when officially sealed"

and items 4 to 6 inclusive shall be renumbered 5 to 7 respectively.

15. In sub-paragraph (*a*) of paragraph A of Part III of Schedule 5 in the list of prescribed contents after item 8 the following item shall be inserted:

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

16. In sub-paragraph (*a*) of paragraph B of Part III of Schedule 5 in the list of prescribed contents after item 5 the following item shall be inserted:

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

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations amend the Cereal Seeds Regulations (Northern Ireland) 1976 (S.R. 1976 No. 300) which give effect to Directive 66/402/EEC of the Council of the European Economic Community (O.J. 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 (O.J. No. L16, 20.1.1978 and O.J. 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.