STATUTORY INSTRUMENTS

1980 No. 900

SEEDS

The Cereal Seeds Regulations 1980

Made - - - -	*27th June* 1980
Laid before Parliament	*9th July* 1980
Coming into Operation	*1st August* 1980

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), 17(1), (2), (3) and (4), 24(5), 26(2) and (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 Regulations 1980 and shall come into operation on 1st August 1980.

Revocation of previous regulations

2. The Cereal Seeds Regulations 1976**(c)** and the Cereal Seeds (Amendment) Regulations 1979**(d)** are hereby revoked.

Interpretation

3.—(1) A reference in these regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these regulations.

(2) In these regulations, unless the context otherwise requires—

"The Act" means the Plant Varieties and Seeds Act 1964;

"Common Catalogue" means the Common Catalogue of varieties of kinds of agricultural plants published in the Official Journal of the European Communities;

"Higher Voluntary Standard" means the standards which—

(*a*) are higher than the minimum standards prescribed for basic seeds, certified seeds of the first generation and certified seeds of the second generation, and

(*b*) are specified in Schedule 2,

being standards which the seeds satisfy and which in relation to Parts I and II of the said Schedule they have, on official examination been shown to satisfy;

(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. **(d)** S.I. 1979/1003.

"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;

"marketing" includes, as the context shall permit, the offer for sale, exposure for sale, sale and possession with a view to sale of seeds and any transaction in the course of business—

(*a*) under which the property in seeds is transferred from one person to another, or

(*b*) under which the seeds are made over by one person to another in pursuance of a contract under which the seeds will be used for producing further seeds or for producing plants or parts of plants for human or animal consumption,

and "market" and "marketed" shall be construed accordingly;

"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;

"National List" means a list of varieties of kinds of cereals published in accordance with the Seeds (National Lists of Varieties) Regulations 1979**(a)**;

"official examination" means an examination carried out by or on behalf of the Minister, subject to the payment of any fee imposed by regulations made under the Act, an examination carried out by or on behalf of the Department of Agriculture for Northern Ireland or, in relation to seeds harvested elsewhere than in the United Kingdom, an examination approved by the Minister;

"official label" and "official notice" mean respectively a label and a notice prepared by or on behalf of the Minister;

"small package" means a package of seeds containing a net weight of not more than 15 kilograms of pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or a mixture of seeds, excluding the weight of any granulated pesticides, pelleting substances or other solid additives.

(3) In these regulations, in relation to the categories of seeds referred to herein—

"uncertified pre-basic seeds" means seeds of maize of a generation earlier than that of basic seeds—

(*a*) which have been produced in the United Kingdom by or under the responsibility of the maintainer, and

(*b*) which are intended for the production of pre-basic seeds or basic seeds;

"breeder's seeds" means seeds of oats, barley, wheat, durum wheat, spelt or rye of a generation earlier than that of pre-basic seeds—

(*a*) which have been produced by or under the responsibility of the maintainer carrying out in the United Kingdom the duties of a maintainer as set out in regulation 18 of the Seeds (National Lists of Varieties) Regulations 1979,

(a) S.I. 1979/133, as amended by S.I. 1980/898.

(*b*) which are intended for the production of pre-basic seeds or, with the written authority of the Minister, of basic seeds, and

(*c*) which satisfy the requirements for basic seeds set out in Parts II and III of Schedule 2 and which have on official examination been found to satisfy the requirements set out in Part II of the said Schedule;

"pre-basic seeds" means seeds of a generation earlier than that of basic seeds—

(*a*) which have been produced by or under the responsibility of the maintainer,

(*b*) which—

(i) as respects seeds of maize, are intended for the production of pre-basic seeds, basic seeds or certified seeds, or which

(ii) as respects seeds of oats, barley, wheat, durum wheat, spelt or rye which have been produced—

(*a*) from breeder's seeds, are intended to be used for the production of pre-basic seeds or basic seeds, or with the written authority of the Minister, certified seeds, certified seeds of the first generation or certified seeds of the second generation, or

(*b*) from pre-basic seeds, are intended to be used for the production of pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation or certified seeds of the second generation, and

(*c*) which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

"basic seeds" means—

(*a*) seeds of oats, barley, wheat, durum wheat, spelt and rye,

(i) which have been produced by or under the responsibility of the maintainer,

(ii) which are intended for the production of certified seeds, certified seeds of the first generation or certified seeds of the second generation, and

(iii) which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

(*b*) seeds of open pollinated varieties of maize,

(i) which have been produced by or under the responsibility of the maintainer,

(ii) which are intended for the production of certified seeds of the same variety, top cross hybrids or inter-varietal hybrids, and

(iii) which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

(*c*) seeds of inbred lines of maize, which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

(*d*) seeds of single cross hybrids of maize,

(i) which are intended for the production of double cross hybrids, three way cross hybrids or top cross hybrids, and

(ii) which satisfy the requirements for basic seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

"certified seeds" means seeds of maize and rye—

(*a*) which have been produced directly from basic seeds or

(i) in the case of maize, with the approval of the maintainer, from pre-basic seeds, or

(ii) in the case of rye,

(*a*) with the authority of the maintainer, directly from pre-basic seeds which have themselves been produced from pre-basic seeds, or

(*b*) with the authority of the maintainer and the Minister, directly from pre-basic seeds which have been produced from breeder's seeds,

(*b*) which are intended mainly for the production of plants or parts of plants for human or animal consumption, and

(*c*) which satisfy the requirements for certified seeds set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

"certified seeds of the first generation" means seeds of oats, barley, wheat, durum wheat and spelt—

(*a*) which have been produced:

(i) directly from basic seeds, or

(ii) with the authority of the maintainer, directly from pre-basic seeds which have themselves been produced from pre-basic seeds, or

(iii) with the authority of the maintainer and the Minister, directly from pre-basic seeds which have been produced from breeder's seeds,

(*b*) which are intended either for the production of certified seeds of the second generation or mainly for the production of plants or parts of plants for human or animal consumption, and

(*c*) which satisfy the requirements for certified seeds of the first generation set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule;

"certified seeds of the second generation" means seeds of oats, barley, wheat, durum wheat and spelt—

(*a*) which have been produced:

(i) directly from basic seeds or certified seeds of the first generation, or

(ii) with the authority of the maintainer, directly from pre-basic seeds which have themselves been produced from pre-basic seeds, or

(iii) with the authority of the maintainer and the Minister, directly from pre-basic seeds which have been produced from breeder's seeds,

(*b*) which are intended mainly for the production of plants or parts of plants for human or animal consumption, and

(*c*) which satisfy the requirements for certified seeds of the second generation set out in Schedule 2 and which have on an official examination been found to satisfy the requirements set out in Parts I and II of the said Schedule.

(4) In these regulations, in relation to the varieties, inbred lines and hybrids of maize—

"open pollinated variety" means a sufficiently uniform and stable variety;

"inbred line" means a sufficiently uniform and stable line, obtained either by artificial self-fertilisation together with selection over several successive generations or by equivalent operations;

"single cross hybrid" means the first generation of a cross between two inbred lines, defined by the maintainer;

"double cross hybrid" means the first generation of a cross between two simple hybrids, defined by the maintainer;

"three way cross hybrid" means the first generation of a cross between an inbred line and a single cross hybrid, defined by the maintainer;

"top cross hybrid" means the first generation of a cross between either an inbred line or a single cross hybrid and an open pollinated variety, defined by the maintainer;

"inter-varietal hybrid" means the first generation of a cross between plants grown from basic seeds of two open pollinated varieties, defined by the maintainer.

Seeds to which the regulations apply

4.—(1) Subject to paragraphs (2) and (3) of this regulation, these regulations apply to cereal seeds of the kinds set out in Schedule 1 being seeds intended to be used only for the production of agricultural crops.

(2) These regulations shall not apply to—

(*a*) seeds which are marketed for delivery elsewhere than in a Member State,

(*b*) seeds used or to be used for research or experiment,

(*c*) seeds used or to be used in the course of a process of selection, and

(*d*) seeds which are marketed with a view to processing, treatment or cleaning, provided that the identity of the seeds is stated by the person by whom they are marketed.

(3) Where a person makes arrangements under which some other person uses seeds under the control of the first-mentioned person for the purpose of increasing the first-mentioned person's stock of seeds for sowing or of carrying out tests or trials and under which the whole of the material produced, directly or indirectly, from the seeds, and any unused seeds, become or remain the property of the first-mentioned person these regulations shall not apply to the marketing of the seeds by the first-mentioned person to the other person as part of the arrangements or to the marketing by that other person to the first-mentioned person of seeds produced, directly or indirectly, from those seeds.

Marketing of seeds

5.—(1) Subject to the provisions of this regulation no person shall market any seeds unless they are seeds of plant varieties which may be marketed in

accordance with regulation 30 of the Seeds (National Lists of Varieties) Regulations 1979 and unless they are—

(*a*) uncertified pre-basic seeds, breeder's seeds, pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation or certified seeds of the second generation,

(*b*) seeds which have been produced, packaged and officially sealed in a Member State other than the United Kingdom and labelled appropriately in accordance with the requirements of regulation 9(1), (2), (3), (5), (8) and (10), or

(*c*) seeds which have been produced elsewhere than in a Member State and which are marketed in accordance with and subject to the conditions imposed by a general licence granted by the Ministers under the authority of this paragraph.

(2) Paragraph (1) of this regulation shall not prevent the marketing of—

(*a*) a mixture of kinds of seeds to which these regulations apply,

(*b*) a mixture of varieties of a kind of seeds to which these regulations apply, being a mixture which is effective, as such, in reducing the incidence of a disease or pest of plants, or

(*c*) kinds or varieties of cereal seeds included in mixtures of seeds permitted by the Fodder Plant Seeds Regulations 1980**(a)**

but each constituent to which these regulations refer consists of seeds marketed in accordance with paragraph (1) of this regulation.

(3) The Minister may, by a general licence which may impose conditions and shall have effect during the period specified in it unless the Minister earlier revokes it—

(*a*) authorise any person to market as breeder's seeds, pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation or certified seeds of the second generation, seeds which fail in some respect to satisfy the requirements for such seeds set out in Schedule 2;

(*b*) modify the labelling requirements set out in Schedule 5;

(*c*) authorise any person to market seeds which, notwithstanding the requirements of the Seeds (National Lists of Varieties) Regulations 1979 are of a variety not entered in a National List or in the Common Catalogue; or

(*d*) authorise any person to market—

(i) basic seeds produced directly from breeder's seeds,

(ii) certified seeds produced directly from pre-basic seeds,

(iii) certified seeds of the first generation produced directly from pre-basic seeds, or

(iv) certified seeds of the second generation produced directly from pre-basic seeds,

but in all other respects, unless expressly otherwise stated in the licence, the provisions of these regulations shall apply in relation to the marketing of the seeds.

(4) Any person may market in relation to a sale or proposed sale to a person engaged in the business of trading in seeds other than by way of retail sale seeds which have been imported from a country other than a Member State notwithstanding that such marketing would otherwise be prohibited by virtue of paragraph (1)(*c*) of this regulation.

(a) S.I. 1980/899.

(5) Notwithstanding the requirement in Part II of Schedule 2 that basic seeds shall attain the minimum standards of germination specified in the said Schedule any person may, subject to the requirements of regulation 9(2)(*b*) and (6), market as breeder's seeds, pre-basic seeds or basic seeds, seeds which in other respects satisfy the requirements for basic seeds set out in the said Schedule but which attain a lower percentage of germination than that specified in the said Schedule in relation to seeds of that kind.

(6) In a case where the official examination in respect of the germination of a proposed consignment of seeds has not been completed, but a preliminary test of germination has shown that the seeds attain the appropriate minimum standard of germination specified in Schedule 2 and the seeds in other respects satisfy the appropriate requirements of the said Schedule, the seeds may, subject to the requirements of regulations 9(6) and 10, be sold. In the event of any such sale the seller of the seeds shall, upon or before delivering them to the purchaser, provide him with a statement that the seeds are marketed before the completion of the official germination test together with the result of the preliminary test of germination and, in the event of the official germination test showing the seeds' failure to comply with the minimum germination standard required by paragraph 3 of Part II of Schedule 2 for seeds of that kind, shall provide him with the result of the completed test as soon as practicable and in any event not later than seven days after being informed of it.

(7) Paragraphs (5) and (6) of this regulation shall not apply to seeds which have been imported from a country other than a Member State unless they were produced directly from pre-basic seeds, basic seeds or certified seeds of the first generation certified in a Member State.

Sampling

6.—(1) A sample of seeds taken for the purposes of an official examination or, subject to paragraph (3) of this regulation, for the enforcement of these regulations shall be taken in accordance with the rules set out in Schedule 3.

(2) A sample of seeds taken for the enforcement of these regulations shall be divided into three parts of which one part shall be delivered or sent to the owner of the seeds or his representative, one part shall be delivered or sent to the Chief Officer of an Official Seed Testing Station and the remaining part shall be retained and be available for production to a court in accordance with section 26(7) of the Act: save that where it appears to the person taking the sample that the seeds from which the sample has been taken were purchased for use and not for resale, the first part of the sample shall be delivered or sent to the last seller of the seeds or to his representative in place of the owner of the seeds or his representative.

(3) The weight of a sample taken for the enforcement of these regulations shall be such as to ensure that each of the parts into which it is divided is of not less than the appropriate minimum weight indicated in Schedule 3 and the sample shall be divided accordingly.

(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.

Certificates of taking and testing of a sample

7.—(1) A certificate in the form set out in Part I of Schedule 4 of the taking of a sample of seeds, adapted as appropriate for use in England or in Wales or in Scotland, is hereby prescribed in accordance with section 26(3) of the Act.

(2) A certificate in the form set out in Part II of Schedule 4 of the result of a test of a sample of seeds taken for the enforcement of these regulations, adapted as appropriate for use either in England and Wales or in Scotland, is hereby prescribed in accordance with section 24(5) of the Act.

Sealing of packages

8.—(1) No person shall market in accordance with regulation 5(1)(*a*), a package (other than a package of uncertified pre-basic seeds or a small package of seeds) of breeder's seeds, pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or a mixture of seeds unless it has been, not later than at the time of sampling, sealed by a person authorised by the Minister in that behalf with a sealing device (which may be an adhesive label) in such a manner that when the package is opened the sealing device will be broken and cannot be re-used.

(2) If a package of seeds which has been sealed in accordance with paragraph (1) of this regulation or imported in accordance with regulation 5(1)(*b*) or 5(1)(*c*) shall have been opened it may not be re-sealed or further re-sealed except by a person authorised by the Minister in that behalf.

(3) No person shall market a package of uncertified pre-basic seeds or a small package of seeds in accordance with regulation 5(1)(*a*) unless it has been sealed with a sealing device in such a manner that when the package is opened the sealing device is broken and cannot be re-used.

Labelling of packages

9.—(1) Subject to paragraph (9) of this regulation no person shall market any seeds in accordance with regulation 5(1)(*a*) except in a package which is labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2) (*a*) A package (other than a small package) of breeder's seeds, pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or a mixture of seeds shall have affixed on the outside an official label containing, as appropriate to the seeds, particulars of the matters specified, and being of the size and colour also specified, in Part I of Schedule 5, which shall be either an adhesive label or a label secured to the package by an alternative sealing device and shall be affixed in either case by a person authorised by the Minister in that behalf.

(*b*) If in accordance with regulation 5(5) a person shall market basic seeds of a lower percentage of germination than that specified in Schedule 2 the fact shall be stated on the official label.

(*c*) A person who markets a package (other than a small package) containing a mixture of seeds shall, with the seeds or not later than 14 days after the sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing, on a label attached to the package, on the package itself or on an invoice or other document associated with the seeds, containing particulars of the further matters relating to the seeds to which these regulations apply, specified in Part I of Schedule 5.

(3) A package (other than a small package) of breeder's seeds, pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or a mixture of seeds shall contain an

official notice which shall be of the same colour as the official label and shall contain particulars of the reference number of the lot and the kind or, in the case of a mixture the proprietary name of the mixture or kinds of the constituents, and also, in the case of breeder's seeds, pre-basic seeds, basic seeds or certified seeds, the variety: save that if such particulars are printed indelibly on the outside of the package or if the official label is an adhesive or a tear-resistant label the official notice referred to in this paragraph shall not be required.

(4) A package of uncertified pre-basic seeds shall have affixed on the outside a label containing, as appropriate to the seeds, particulars of the matters specified and being of the colour also specified in Part II of Schedule 5: save that if such particulars are printed indelibly on the outside of the package, the said label shall not be required.

(5) (*a*) A small package of seeds shall have affixed on the outside a label containing, as appropriate to the seeds, particulars of the matters specified and being of the colour also specified in Part III of Schedule 5: save that if such particulars are printed indelibly on the outside of the package, the said label shall not be required.

(*b*) A person who markets a small package containing a mixture of seeds shall, with the seeds or no later than 14 days after the sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing, on a label attached to the package, on the package itself or on an invoice or other document associated with the seeds, containing particulars of the matters relating to the seeds specified in Part IE of Schedule 5.

(6) If a person shall market seeds in accordance with regulation 5(5) a supplier's label affixed to the outside of the package shall contain a statement of the germination of the seeds, together with the name and address of the seller and the reference number of the lot.

(7) If a package of seeds shall have been re-sealed in accordance with regulation 8(2) the fact shall be stated, together with the date of the re-sealing and the name of the authority responsible for it, on the official label.

(8) If any seeds have been subjected to any chemical treatment the fact that they have been so subjected and the nature of the treatment or the proprietary name of the chemical employed shall be stated either—

(*a*) on the label referred to in paragraphs (2), (4) or (5) of this regulation or, where such a label is not required, with the particulars otherwise given in accordance with those paragraphs, or

(*b*) on a separate supplier's label,

and also, except where the label referred to in the said paragraphs (2), (4) or (5) is not required or where the information prescribed by this paragraph is given on an adhesive label, either on the outside of the package or in a statement enclosed in the package.

(9) A person may sell any seeds otherwise than in a package which is labelled, inscribed or otherwise dealt with in accordance with this regulation, provided that they are sold by way of retail sale in a quantity not exceeding 5 kilograms, and are taken in the presence of the purchaser from a container on or in the proximity of which there is clearly and visibly marked or displayed a statement containing the particulars of the matters specified in Part IV of Schedule 5.

(10) The particulars and information given in accordance with this regulation shall be given in one of the official languages of the European Economic Community.

(11) Subject to the provisions of the Act and of these regulations no person shall, in the course of the marketing or the preparation for the marketing of any seeds by himself or by any other person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label or notice affixed to, contained in or marked on any package of seeds or to be so affixed, contained or marked.

Records of transactions

10. A person who sells seeds in accordance with regulation 5(6) shall make and, during a period of twelve months following the delivery of the seeds, keep available for inspection by an officer duly authorised by the Minister a record of the date of such delivery, the reference number of the lot of seeds delivered, the name and address of the purchaser and, if appropriate, the date on which he was provided with the result of the completed official germination test.

Higher Voluntary Standard

11. Where in the course of the marketing of any seeds it is stated or indicated in any label or notice affixed to, contained in or marked on any package of seeds or in any document accompanying the seeds, that the seeds attain the Higher Voluntary Standard the person marketing the seeds shall be deemed to state, for the purposes of the enforcement of these regulations and in relation to the particulars given to a purchaser, that the seeds attain the higher voluntary standards applicable to the seeds.

Civil liabilities of sellers of seeds

12.—(1) The particulars given to a purchaser by the seller of seeds to which these regulations apply, whether given in pursuance of these regulations expressly or by implication arising from the description under which the seeds are sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the category of the seeds, the percentage of germination of the seeds, the percentage of analytical purity of the seeds, the content of seeds of other plant species and the varietal identity and purity of the seeds or, in the case of a mixture of seeds, of each of its constituents to which these regulations apply.

(2) Section 17(2) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1) of this regulation, in so far as they relate to the percentage of germination, the percentage of analytical purity, or the content of seeds of other plant species and there are hereby prescribed in respect of such matters the limits of variation set out in Schedule 6.

(3) Section 17(3) of the Act shall apply to any particulars given to a purchaser by the seller of seeds, being particulars given or implied as in paragraph (1) of this regulation, in so far as they relate to the percentages of germination, of analytical purity or the content of seeds of other plant species.

(4) A purchaser who intends to obtain a test of seeds for the purposes of section 17(3) of the Act shall, not more than 10 days after delivery to him of the seeds or of the particulars prescribed in regulation 9(2)(*c*) or (5)(*b*) (whichever is the later), give to the seller written notice of his intention and thereupon the seller may indicate a day (not being more than 21 days after the delivery of the seeds or of the said particulars, whichever is the later, to the purchaser) and a reasonable time on that day at which a sample of the seeds may be taken in the presence of himself or his representative and the purchaser shall afford to the seller reasonable facilities for that purpose.

(5) On the day and at the time appointed by the seller in accordance with paragraph (4) of this regulation or, if the seller shall have failed to appoint such a day and time, on a day not more than 28 days after delivery of the seeds or of the said particulars (whichever is the later) to the purchaser, the purchaser may, and if the seller or his representative is present shall, take a sample of the seeds, such sample being taken in accordance with the rules set out in Schedule 3, and shall divide the sample so taken into two parts, each being of at least the appropriate minimum weight specified in paragraph 7 of Schedule 3, of which one part shall be sent to the Chief Officer of an Official Seed Testing Station for the purpose of being tested and the other part delivered or tendered to the seller or his representative or, if he or his representative was not present when the sample was taken, sent to him by post.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 16th June 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

18th June 1980.

George Younger,
Secretary of State for Scotland.

27th June 1980.

Nicholas Edwards,
Secretary of State for Wales.

SCHEDULE 1 Regulation 4(1)

KINDS OF SEEDS TO WHICH THE REGULATIONS APPLY

Avena sativa L.	Oats
Hordeum vulgare L.	Barley
Secale cereale L.	Rye
Triticum aestivum L. emend. Fiori et Paol	Wheat
Triticum durum Desf.	Durum wheat
Triticum spelta L.	Spelt
Zea mays L. except for *Zea mays* convar. *microsperma* Koern. and *Zea mays* convar. *saccharata* Koern.	Maize, except for Popcorn and Sweet corn

SCHEDULE 2 Regulations 3(2) and (3), 5(3), (5) and (6) and 9(2)

REQUIREMENTS FOR BASIC SEEDS, CERTIFIED SEEDS, CERTIFIED SEEDS OF THE FIRST GENERATION AND CERTIFIED SEEDS OF THE SECOND GENERATION

PART I

CONDITIONS RELATING TO THE CROP FROM WHICH THE SEEDS ARE OBTAINED

Varietal characteristics, purity and freedom from contamination

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 specified in paragraphs 5 and 6 below shall be met.

Crop inspections

2. There shall be at least one official inspection of the crop, made at a time when the cultural condition of the field and the stage of development and condition of the crop are such as to permit a check of varietal identity and purity.

Previous cropping

3. The crop may be grown only on land which has not previously been cropped in a manner that might adversely affect the nature or quality of the seeds to be produced and which complies with the Minister's requirements in that respect.

Isolation distances

4. There shall be a physical barrier or at least two metres of fallow or non-cereal crops between the crop and another cereal crop.

For rye the minimum distance from neighbouring crops of other varieties or crops of the same variety with a lower standard of varietal purity shall be:

(*a*) basic seeds .. .. 300 metres

(*b*) certified seeds .. .. 250 metres

With the approval of the Minister these distances need not be observed if there is adequate protection against any undesirable pollination.

Standards for varietal purity, species purity and wild oats

5.

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 and crops to produce seeds at these standards must not be more than one-third laid at the time of inspection.

Standards for Loose Smut

6. Barley, wheat, durum wheat, spelt	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.

Special conditions for maize

7. (*a*) For hybrid varieties the plants shall conform to the known characteristics of the parental lines.

(*b*) During the flowering period there shall be at least the following number of official inspections:

(i) open pollinated varieties 1
(ii) for the production of certified seeds of hybrid varieties 3
(iii) for the production of basic seeds of single cross hybrids 4
(iv) inbred lines 4

(*c*) The cultural condition of the field must permit a sufficient check of the identity and the purity of the inbred lines and of the emasculation of plants for the production of seeds of hybrid varieties.

Unless there is adequate protection against undesirable foreign pollination there should be a distance of at least 200 metres from neighbouring crops of other varieties or inbred lines or from crops of the same variety or inbred line with a lower standard of varietal purity.

(*d*) (i) The percentage by number of recognisable off-types shall not exceed, for the production of—

basic seeds	0·1
certified seeds of hybrid varieties	0·2
certified seeds of open pollinated varieties	0·5

(ii) With regard to the emasculation of plants for the production of certified seeds of hybrid varieties, the observed percentage of plants of the female parent ascertained to have emitted pollen shall not exceed one at any one official field inspection and shall not exceed two in all the official field inspections carried out;

(iii) In the production of certified seeds of hybrid varieties, all the parent plants shall flower sufficiently simultaneously.

PART II

CONDITIONS RELATING TO THE SEEDS

1. The seeds shall possess the identity and varietal purity specified in Part I. This condition shall be applicable by analogy to inbred lines of maize.

2. The seeds shall be of a satisfactory state of health in so far as seed-borne diseases and organisms affecting the seeds are concerned.

3. The seeds, excluding where appropriate granulated pesticides or other solid additives, shall have been shown on an official examination to comply with the following standards:

(*a*) Oats, barley, wheat, durum wheat and spelt

		Minimum Standard	Higher Voluntary Standard
Germination (% by number)	All categories	85	85
Analytical Purity (% by weight)	Basic seeds	99	99
	All other categories	98	99

Sample Purity Standards

Minimum Standard—maximum number of other seeds or structures in 500g sample.

Category	Seeds of Other Plant Species					Ergot (pieces)
	All other species	Other cultivated cereal species	All species other than cultivated cereals	*Avena fatua*, *Avena sterilis* or *Avena ludoviciana* (wild oats) or *Lolium temulentum* (darnel)	*Raphanus raphanistrum* (wild radish) and *Agrostemma githago* (corn cockle)	
Basic seeds ..	4	1	3	0	1	1
Certified seeds of the first generation and Certified seeds of the second generation ..	10	7	7	0	3	3

Higher Voluntary Standard—maximum number of other seeds or structures in 1 kg sample.

Category	Seeds of Other Plant Species					Ergot (pieces)
	All other species	Other cultivated cereal species	All species other than cultivated cereals	*Avena fatua*, *Avena sterilis* or *Avena ludoviciana* or *Lolium temulentum*	*Raphanus raphanistrum* and *Agrostemma githago*	
Basic seeds ..	1	0	1	0	0	0
Certified seeds of the first generation ..	2	1	1	0	1	1
Certified seeds of the second generation ..	4	3	2	0	1	1

(*b*) Rye

Germination (% by number) .. .. Basic and Certified seeds .. 85

Analytical Purity (% by weight) .. Basic and Certified seeds .. 98

Sample Purity Standards

Maximum number of seeds in 500g sample.

SEEDS OF OTHER PLANT SPECIES

Category	All other species	Other cultivated cereal species	All species other than cultivated cereals	*Avena fatua*, *Avena sterilis* or *Avena ludoviciana* or *Lolium temulentum*	*Raphanus raphanistrum* and *Agrostemma githago*	Ergot (pieces)
Basic seeds ..	4	1	3	0	1	1
Certified seeds ..	10	7	7	0	3	3

(*c*) Maize

Germination (% by number) .. .. All categories 90

Analytical Purity (% by weight) .. All categories 98

Sample Purity Standards .. .. Maximum content of seeds of other plant species (number of seeds in 250g) (All categories) .. .. Nil

4. Special conditions for the minimum standard only:

(i) concerning the maximum content of seed of the species *Avena fatua*, *Avena sterilis* or *Avena ludoviciana* or *Lolium temulentum*. The presence of one seed of one of these species in a 500g sample shall not be considered an impurity if a second sample of 500g is free.

(ii) concerning the maximum content of seeds of other cereal species. Where the maximum content is fixed at one seed, a second seed shall not be regarded as an impurity, if a second sample of 500g is free.

PART III

MOISTURE CONTENT AND LOOSE SMUT STANDARDS

Moisture Content

	Minimum Standard	Higher Voluntary Standard
	(percentage by weight)	
All Categories	18 maximum	18 maximum

Loose Smut

Barley, wheat, durum wheat, spelt	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

Regulations 6(1) and (3) and 12(5)

SCHEDULE 3

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.

2. When the seed lot is in sacks or other similar sized containers, the number of containers to be sampled shall be in accordance with the following tables:—

Number of containers in the lot	*Minimum number of containers to be sampled*
1–5 (inclusive)	Each container, portions being taken from at least five positions
6–14 ,,	Not less than five containers
15–30 ,,	At least one container in three
31–49 ,,	Not less than 10 containers
50 or more	At least one container in five

When there are more than five containers in the lot the containers to be sampled shall be selected at random.

3. For sampling seed lots in containers weighing less than 50 kg a 100 kg weight of seed is taken as the basic unit. Containers shall be combined to form sampling units weighing a maximum of 100 kg (e.g. five containers each of 20 kg form one unit). For sampling purposes each unit shall be regarded as one container and the sampling intensity prescribed above shall be used.

4. The samples shall be taken in the following manner:

(*a*) *Seeds in full sacks or other containers*

The sacks or containers shall be sampled at random and samples taken from the top, middle or bottom, but not necessarily from more than one position, of each selected sack or container. The position from which the seed is taken shall be varied from container to container and seed shall be taken from different horizontal positions.

Wherever practicable, seed in sacks shall be sampled with a metal spear, trier or probe with a solid point which shall be of sufficient length to reach beyond the middle of the sack when inserted from the side and shall have an oval aperture so placed that the instrument removes portions of seed of equal volume from each part of the sack through which it travels. The instrument shall be inserted into the sack in an upward direction at an angle of approximately 30° to the horizontal, with its aperture downwards until the aperture reaches the centre of the sack. It shall then be rotated so as to bring the aperture uppermost and withdrawn at once at a decreasing speed so that the quantity of seeds obtained from successive locations increases progressively from the centre to the side of the sack.

Alternatively, a longer instrument may be inserted until the aperture reaches the further side of the sack, rotated in the manner described above and then withdrawn at a uniform speed.

A stick sampler may be used in place of the instrument mentioned above. It may be used horizontally or vertically. If the stick sampler has more than one aperture it must have transverse partitions so that each aperture opens into a separate compartment; it shall be inserted diagonally into the sack in the closed position, then opened, gently agitated to allow it to fill completely, closed again, withdrawn and emptied.

Seeds in containers other than sacks shall wherever practicable be sampled with an instrument as aforesaid, which shall be used as already described.

Where it is not practicable to sample seeds in sacks or other containers in the manner already described, portions may be taken by hand, care being taken to keep the fingers tightly closed about the seeds so that none may escape as the hand is withdrawn. If necessary, in order to reach the lower levels, part of the contents shall be emptied into another sack or other container.

(*b*) *Seeds in a partly filled container*

The seeds shall be thoroughly mixed by hand and small portions then taken from at least five different positions.

(*c*) *Seeds in bulk*

Portions of seed shall be taken with a stick sampler from at least the number of positions indicated in the table below:—

Size of bulk		*Number of positions to be sampled*
Not exceeding 50 kg		Not less than three
Exceeding	Not exceeding	
50 kg	1,500 kg	Not less than five
1,500 kg	3,000 kg	At least one for each 300 kg
3,000 kg	5,000 kg	Not less than 10
5,000 kg	20,000 kg	At least one for each 500 kg

Sampling positions must be selected at random in both vertical and horizontal planes. If the sampler has more than one aperture it shall have transverse partitions so that each aperture opens into a separate compartment.

(*d*) *Seeds in a cleaning, mixing or dressing machine*

Portions of seed shall be drawn during the cleaning, mixing or dressing process so that the entire cross section of the seed stream is uniformly sampled at regular intervals throughout the whole of the process. The frequency shall be at least as indicated in the table below:—

Size of lot		*Number of times to be sampled*
Not exceeding 50 kg		Not less than three
Exceeding	Not exceeding	
50 kg	1,500 kg	Not less than five
1,500 kg	3,000 kg	At least one for each 300 kg
3,000 kg	5,000 kg	Not less than 10
5,000 kg	20,000 kg	At least one for each 500 kg

5. When the individual portions taken from the lot exceed the amount required they shall be put together in a clean receptacle and well mixed. The composite sample so obtained shall be reduced by using an efficient seed divider.

6. Portions of seeds for moisture tests shall be drawn in such a way as to prevent exposure to the atmosphere. Samples shall be packed in air-tight containers. Seeds for moisture tests shall be kept separate from seeds on which other determinations are to be made.

7. The maximum weight of a lot and minimum weight of a sample shall be as indicated below:—

(*a*) The maximum weight of a lot to be sampled shall be 20 tonnes.

(*b*) The minimum weight of a sample shall be 1 kg or, for inbred lines of maize, 250 kg.

(*c*) The minimum weight of a sample for a moisture test shall be 100 grams.

Regulation 7(1) and (2)

SCHEDULE 4

PART I

CERTIFICATE OF THE TAKING OF A SAMPLE OF SEEDS

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND
WELSH OFFICE AGRICULTURE DEPARTMENT

PLANT VARIETIES AND SEEDS ACT 1964—SECTION 26(3)
THE CEREAL SEEDS REGULATIONS 1980

CERTIFICATE OF THE TAKING OF A SAMPLE OF SEEDS TAKEN UNDER SECTION 25(5) OF THE ACT

on the premises of

Name .....

Address .....

.....

.....

Kind .....

Variety .....

Category .....

Certificate or reference number .....

Date of sampling .....

Ministry's/Department's reference number .....

I certify that in taking the sample referred to above I used the method of sampling prescribed in Schedule 3 to the Cereal Seeds Regulations 1980.

(Signed) .....

Authorised by the Minister of Agriculture, Fisheries and Food/Secretary of State.

Date .....

PART II

CERTIFICATE OF THE RESULT OF A TEST OF SEEDS

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND

PLANT VARIETIES AND SEEDS ACT 1964

THE CEREAL SEEDS REGULATIONS 1980

REPORT OF THE OFFICIAL SEED TESTING STATION FOR ENGLAND AND WALES/SCOTLAND ON A SAMPLE TAKEN UNDER SECTION 25(5) OF THE ACT

on the premises of (Name and Address)

Official Station Sample No.....
Control Sample No.....
Date received at Station.....
Date of sampling.....
Quantity sampled .....
Quantity represented.....

Description

Kind		Variety	
Category and level		Reference No.	

Result of Test

% Pure seeds	% Inert matter	% Other seeds

Inert matter
Other seeds

Number of seeds	500g	Further 500g	TOTAL 1 kg
Other cultivated cereal spp.			
Spp. other than cultivated cereals			
Total			
Raphanus raphanistrum			
Agrostemma githago			
Avena fatua, A. ludoviciana, A. sterilis			
Lolium temulentum			
Number of pieces Ergot			

Loose smut infection in ..... embryos examined % [ ]

Moisture content % [ ]

Germination % [ ] Fresh seed % [ ] Pre-treated for dormancy

Varietal Purity

Declared variety %	
Other varieties %	

Remarks:

Date..... .....Chief Officer

SCHEDULE 5 Regulations 5(3) and 9(2), (3), (4), (5) and (9)

PART I

A. OFFICIAL LABEL FOR A PACKAGE OF BREEDER'S SEEDS

(*a*) Prescribed contents—

1. Certifying Authority.
2. Reference number.
3. Month and year when officially sealed.
4. Kind.
5. Variety.
6. "Breeder's seed".
7. Declared net or gross weight or declared number of seeds.

(*b*) Minimum size of label—110 mm × 67 mm.

(*c*) The label shall be coloured violet.

B. OFFICIAL LABEL FOR A PACKAGE OF PRE-BASIC SEEDS

(*a*) Prescribed contents—

1. Certifying Authority and Member State or their mark.
2. Reference number of the lot.
3. Kind.
4. Month and year when officially sealed.
5. Variety, or inbred line of maize.
6. "Pre-basic seed".
7. Declared net or gross weight or declared number of seeds.
8. Number of generations preceding seed of the categories "certified seeds" or "certified seeds 1st Generation".
9. For hybrid varieties of maize: "hybrid".

(*b*) Minimum size of label—110 mm × 67 mm.

(*c*) The label shall be coloured white with a diagonal violet line.

C. OFFICIAL LABEL FOR A PACKAGE OF BASIC SEEDS, CERTIFIED SEEDS, CERTIFIED SEEDS OF THE FIRST GENERATION OR CERTIFIED SEEDS OF THE SECOND GENERATION

(*a*) Prescribed contents—

1. "EEC rules and standards".
2. Certifying Authority and Member State or their mark.
3. Reference number of the lot.
4. Month and year when officially sealed.
5. Kind.
6. Variety, or inbred line of maize.
7. Category.
8. Country of production.
9. Declared net or gross weight or declared number of seeds.
10. Where weight is indicated and granulated pesticides or other solid additives are used the nature of the additive and the approximate ratio between the weight of pure seeds and the total weight.
11. For hybrid varieties of maize: "hybrid".

(*b*) Minimum size of the label—110 mm × 67 mm.

(*c*) The label shall be coloured white for basic seeds, blue for certified seeds and certified seeds of the first generation and red for certified seeds of the second generation.

D. OFFICIAL LABEL FOR A PACKAGE OF A MIXTURE OF SEEDS

(*a*) Prescribed contents—

1. "Mixture of ....."
(kinds or varieties)
2. Proprietary name if applicable.
3. Service responsible for sealing and Member State or their mark.
4. Reference number of the lot.
5. Month and year when officially sealed.
6. Declared net or gross weight or declared number of seeds.
7. Where weight is indicated and granulated pesticides or other solid additives are used the nature of the additive and the approximate ratio between the weight of pure seeds and the total weight.
8. For mixtures of varieties, the words: "Passed for marketing in United Kingdom only".

(*b*) Minimum size of the label—110 mm × 67 mm.

(*c*) The label shall be coloured green.

E. FURTHER PARTICULARS TO BE GIVEN IN RESPECT OF MIXTURES OF SEEDS

For each constituent:

1. Kind.
2. Category.
3. Variety, or inbred line of maize.
4. Country of production.
5. Proportion by weight of the mixture.
6. For hybrid varieties of maize: "hybrid".

Mixtures of varieties:

Disease or pest the incidence of which is reduced.

PART II

A. SUPPLIER'S LABEL FOR A PACKAGE OF UNCERTIFIED PRE-BASIC SEEDS

(*a*) Prescribed contents—

1. Name and address of the supplier responsible for fixing the labels or his identification mark.
2. Reference number of the lot.
3. Kind.
4. Variety, or inbred line or maize.
5. "Uncertified pre-basic seeds".
6. Declared net or gross weight or declared number of seeds.
7. For hybrid varieties of maize: "hybrid".

(*b*) The label shall be coloured buff.

PART III

SMALL PACKAGES

A. SUPPLIER'S LABEL FOR A SMALL PACKAGE OF SEEDS OTHER THAN A MIXTURE OF SEEDS

(*a*) Prescribed contents—

1. "EEC rules and standards".
2. Name and address of the supplier responsible for affixing the label or his identification mark.
3. Reference number of the lot.
4. Kind.
5. Variety, or inbred line of maize.
6. Category.
7. Declared net weight or declared number of seeds.
8. For hybrid varieties of maize: "hybrid".
9. "Passed for marketing in United Kingdom only".

(*b*) The label shall be coloured white for basic seed, blue for certified seed and certified seed of the first generation and red for certified seed of the second generation.

B. SUPPLIER'S LABEL FOR A SMALL PACKAGE OF A MIXTURE OF SEEDS

(*a*) Prescribed contents—

1. "Mixture of .....". (kinds or varieties)
2. Name and address of person responsible for sealing package or his identification mark.
3. Reference number of the lot.
4. Proprietary name of the mixture or kinds or varieties of the constituents.
5. Declared net weight or declared number of seeds.
6. "Passed for marketing in United Kingdon only".

(*b*) The label shall be coloured green.

PART IV

A. PARTICULARS TO BE MARKED OR DISPLAYED ON THE SALE OF UNPACKETED SEEDS OTHER THAN MIXTURES OF SEEDS

1. "Complies with legal standards".
2. Kind.
3. Variety, or inbred line of maize.
4. For hybrid varieties of maize: "hybrid".

B. PARTICULARS TO BE MARKED OR DISPLAYED ON THE SALE OF UNPACKETED MIXTURES OF SEEDS

1. "Complies with legal standards".
2. Proprietary name of the mixture or kinds and proportion by weight of the constituents.

Regulation 12(2)

SCHEDULE 6

LIMITS OF VARIATION

GERMINATION

Minimum percentage of Germination	*Limit of variation*
per cent	per cent
99–100	2
97–98	3
94–96	4
91–93	5
87–90	6
82–86	7
76–81	8
69–75	9
65–68	10

ANALYTICAL PURITY

Minimum percentage of Analytical Purity	*Limit of variation*
per cent	per cent
99·9–100	0·2
99·8	0·3
99·6–99·7	0·4
99·3–99·5	0·5
99·0–99·2	0·6
98·5–98·9	0·7
98·3–98·4	0·8
97·5–98·2	0·9
97·0–97·4	1·0
96·5–96·9	1·1
95·5–96·4	1·2
95·0–95·4	1·3

CONTENTS OF SEEDS OF OTHER SPECIES

Maximum number of seeds	*Limit of variation*
number	number
0	1
1	3
2	4
3 and 4	5
5 and 6	6
7 and 8	7
9 to 11	8
12 to 14	9
15 to 17	10
18 to 20	11

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations supersede the Cereal Seeds Regulations 1976 (as amended) which are revoked.

They regulate the marketing in Great Britain of cereal seeds but exclude seeds used for research, experiment or selection processes, uncleaned seeds marketed with a view to processing or other treatment and seeds marketed under prescribed multiplication contracts.

Seeds may be marketed only if they are specified categories as defined in the Regulations and sold in sealed packages labelled with prescribed particulars. The particulars stated or implied on a package of seeds are deemed to constitute a warranty by the seller for the protection of the buyer. There is a provision for the taking of samples for the verification of standards and for the enforcement of the Regulations. Tampering with the prescribed labels is made an offence.

The Regulations make changes to certain definitions, to the provisions relating to the marketing of mixtures of seeds, and to the provision for the movement of seed prior to the completion of the official examination. For all kinds of seeds other than maize, provision is made for a new category of seeds (breeder's seeds) to take the place of uncertified pre-basic seeds and changes are made to labelling requirements, including provision for the use of tear-resistant labels.

Schedules include details of the standards to be attained by the different categories of seeds and the crops from which they are derived. There are also procedures for the testing of samples and lists of the particulars to appear on labels on packages of seeds.

The Regulations give effect to Directive 66/402/EEC of the Council of the European Economic Community (O.J. No. 125, 11.7.66–O.J./S.E. 27.3.72) on the marketing of cereal seed as amended since the amendment of the superseded Regulations by Directive of the Council 79/692/EEC (O.J. No. L205, 13.8.79, p. 1) (as to which see Regulation 5(2) of these Regulations).