1994 No. 252

SEEDS

Fodder Plant Seeds Regulations (Northern Ireland) 1994

Made	*30th June 1994*
Coming into operation . .	*22nd August 1994*

The Department of Agriculture in exercise of the powers conferred on it by sections 1(1), (2A)(**a**), 2(**b**) and 4(1), (2), (3) and (4) of the Seeds Act (Northern Ireland) 1965(**c**) and of every other power enabling it in that behalf, 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 Fodder Plant Seeds Regulations (Northern Ireland) 1994 and shall come into operation on 22nd August 1994.

Revocation

2. The following Regulations are hereby revoked—

(*a*) the Fodder Plant Seeds Regulations (Northern Ireland) 1976(**d**);

(*b*) the Fodder Plant Seeds (Amendment) Regulations (Northern Ireland) 1977(**e**).

Interpretation

3.—(1) In these Regulations—

"the Act" means the Seeds Act (Northern Ireland) 1965;

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

"the Department" means the Department of Agriculture for Northern Ireland;

"Higher Voluntary Standard" in relation to seeds means the standard so described in Part II of Schedule 4 which is higher than the minimum standard specified in that Part in relation to Certified Seed, being the standard attained on examination and in respect of which an official certificate has been issued in accordance with Schedule 2;

(**a**) As inserted by S.R. & O. (N.I.) 1972 No. 351 Art 3 and Sch 3
(**b**) As amended by 1970 c. 20 (N.I.) section 10(2)
(**c**) 1965 c. 22 (N.I.)
(**d**) S.R. 1976 No. 299
(**e**) S.R. 1977 No. 232
(**f**) O.J. C65A, 14.3.92 Supplements O.J. C29A, 2.2.93 and O.J. C82A, 23.3.93

"import" means to bring into Northern Ireland from any place outside Northern Ireland;

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

"marketing" includes 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;

"member State" means a member State of the European Communities;

"National List" means a list of varieties of kinds of fodder plants for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 1982(**a**);

"official certificate" means a certificate issued by the Department in accordance with Schedule 2 subject to the payment of any fees payable under seeds regulations and containing in respect of the seed to which it relates the particulars specified in Schedule 3 and "officially certified" shall be construed accordingly;

"official examination" means—

(*a*) in relation to a crop or seeds produced in Northern Ireland an examination carried out by or on behalf of the Department, subject to an application for such examination having been made to the Department in such form and manner and at such time as the Department may require and to the payment of any fees payable under seeds regulations;

(*b*) in relation to a crop or seeds produced in Great Britain an examination carried out by or on behalf of the Minister of Agriculture Fisheries and Food, the Secretary of State for Scotland, or the Secretary of State for Wales; or

(*c*) in relation to seeds produced elsewhere than in the United Kingdom, an examination approved by the Department;

"official label" means a label issued or authorised by the Department, subject to the payment of any fees payable under seeds regulations, and "official inner label" shall be construed accordingly;

"seed lot" means an identifiable consignment of seeds of a weight not exceeding the appropriate maximum weight specified in Part II of Schedule 5, in relation to those seeds, bearing a unique reference

(**a**) S.I. 1982/844 as amended by S.I. 1985/1529, 1989/1314, 1990/1353 and 1992/1615

number, in which the seeds shall have been mixed or blended so, as far as is practicable, to show no evidence of heterogeneity;

"small package" means a package containing a net weight of not more than 15 kilograms of Pre-basic Seed, Basic Seed or a mixture of seeds intended for agricultural use;

"small EEC A package" means a package of seeds containing a net weight of not more than 2 kilograms of a mixture of seeds not intended for agricultural use;

"small EEC B package" means a package of seeds containing a net weight of not more than 10 kilograms of Certified Seed or Commercial Seed or, where the package is not a small EEC A package, a mixture of seeds not intended for agricultural use.

(2) In these Regulations, in relation to categories of seeds—

"Breeder's Seed" means seeds of a generation earlier than that of Basic Seed which—

(*a*) have been produced by or under the responsibility of the maintainer carrying out in the United Kingdom the duties of a maintainer for the time being set out in regulation 19 of the Seeds (National Lists of Varieties) Regulations 1982;

(*b*) are intended for the production of Pre-basic Seed or, with the written authority of the Department, of Basic Seed; and

(*c*) satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Pre-basic Seed" means seeds of a generation earlier than that of Basic Seed which—

(*a*) have been produced directly from Breeder's Seed or Pre-basic Seed by or under the responsibility of the maintainer;

(*b*) are intended for the production of Pre-basic Seed, Basic Seed or with the written authority of the maintainer and the Department, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation; and

(*c*) satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Basic Seed" means seeds which—

(*a*) have been produced by or under the responsibility of the maintainer from Pre-basic Seed or, with the written authority of the Department, from Breeder's Seed;

(*b*) are intended for the production of Certified Seed, or Certified Seed of the First Generation or Certified Seed of the Second Generation; and

(*c*) satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Certified Seed" means seeds, other than of field peas or field beans, of the kinds set out in Schedule 1 which—

(*a*) have been produced directly from Basic Seed or, with the written authority of the maintainer and the Department, from Pre-basic Seed;

(*b*) are intended for the production of plants; and

(*c*) satisfy the requirements for Certified Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Certified Seed of the First Generation" means seeds of field peas or field beans which—

(*a*) have been produced directly from Basic Seed, or with the written authority of the maintainer and the Department, from Pre-basic Seed;

(*b*) are intended either for the production of Certified Seed of the Second Generation or for the production of plants; and

(*c*) satisfy the requirements for Certified Seed of the First Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Certified Seed of the Second Generation" means seeds of field peas or field beans which—

(*a*) have been produced directly from Basic Seed, Certified Seed of the First Generation, or with the written authority of the maintainer and the Department, from Pre-basic Seed;

(*b*) are intended for the production of plants; and

(*c*) satisfy the requirements for Certified Seed of the Second Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Commercial Seed" means seeds of the following kinds—

Grasses	Legumes
Annual meadowgrass	Sainfoin
	Hungarian vetch

(*a*) which are identifiable as to their kind; and

(*b*) which satisfy the requirements for Commercial Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2.

(3) For the purposes of these Regulations seeds marketed in accordance with regulation 5(1)(*b*)(ii), (iii) or (iv) shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (2).

Seeds to which the Regulations apply

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to fodder plant seeds of the kinds set out in Schedule 1 being seeds intended to be used only for the production of agricultural crops or for amenity purposes.

(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, where the identity of the seeds is stated by the person by whom they are marketed.

(3) Where a person (''the first person'') makes an arrangement under which some other person (''the second person'') uses seeds which are under the control of the first person for the purpose of—

(*a*) increasing the first person's stock of seeds for sowing; or

(*b*) carrying out tests or trials thereon,

and under that arrangement the whole of the material produced from the seeds (whether directly or indirectly) and any unused seeds become or remain the property of the first person, these Regulations shall not apply to the marketing of the seeds by the first person to the second person as part of that arrangement or to the marketing by the second person to the first person of seeds produced (whether directly or indirectly) from those seeds.

Marketing of seeds

5.—(1) Subject to the provisions of this regulation, a person shall not market any seeds unless they are marketed in seed lots or in parts of seed lots and unless they are—

(*a*) Commercial Seed; or

(*b*) seeds of plant varieties which may, for the time being, be marketed in accordance with regulation 31 of the Seeds (National Lists of Varieties) Regulations 1982 and which are—

(i) Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation; or

(ii) seeds which have been produced, packaged, sealed and labelled in accordance with the Fodder Plant Seeds Regulations 1993(**a**);

(iii) seeds which have been produced and packaged in a member State other than the United Kingdom, which have been labelled appropriately in accordance with the requirements of regulation 9(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (13) and which—

(**a**) S.I. 1993/2009 as amended by S.I. 1993/2529

— in the case of a small package of seeds, a small EEC A package of seeds or a small EEC B package of seeds, have been sealed in accordance with the requirements of regulation 8(3); or

— in the case of all other seeds, have been officially sealed in a member State other than the United Kingdom; or

(iv) 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 Department under the authority of this paragraph, which said licence shall have effect during the period specified in it unless the Department earlier revokes it.

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

(*a*) a mixture of kinds or varieties of seeds to which these Regulations apply; or

(*b*) a mixture of kinds or varieties of seeds to which these Regulations apply, and any other seeds meeting the requirements of the seeds regulations (if any) pertaining to those seeds, provided that each constituent of such a mixture, to which these Regulations apply, shall consist of seeds meeting the requirements of paragraph (1).

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

(*a*) authorise any person to market as Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Commercial Seed, seeds which fail in some respect to comply with the requirements for such seeds set out in Schedule 4 or Part II of Schedule 5;

(*b*) authorise any person to market a package of seeds which fails in some respects to comply with the requirements set out in Schedule 6 in relation to the labelling of such packages;

(*c*) authorise any person to market seeds which, notwithstanding the requirements of the Seeds (National Lists of Varieties) Regulations 1982, are of a variety not entered in a National List or in the Common Catalogue;

(*d*) authorise any person to market seeds in respect of which an official certificate has not been issued in accordance with paragraph 1 of Schedule 2;

(*e*) authorise any person to market seeds of any kind other than field peas or field beans as Certified Seed of the Second Generation or seeds of any kind as Certified Seed of the Third Generation, provided that 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 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)(*b*)(iv).

(5) Notwithstanding the requirement in Part II of Schedule 4 that Basic Seed shall attain the minimum standard of germination specified in that Schedule any person may, subject to the requirements of regulation 9(3) market as Pre-basic Seed or Basic Seed, seeds which in other respects satisfy the requirements for Basic Seed set out in that Schedule and in respect of which an official certificate has been issued in accordance with Schedule 2 but which attain a lower percentage of germination than that specified in Schedule 4 in relation to seeds of that kind.

(6) Where—

(*a*) the official examination in respect of the germination of any seed lot has not been completed, but a preliminary test of germination has shown that the seeds attain the appropriate minimum standard of germination specified in Part II of Schedule 4 and the seeds in other respects satisfy the appropriate requirements of the said Schedule the seed lot or any part of the seed lot may, subject to the requirements of paragraph (8) and regulations 8 and 9, be marketed;

(*b*) seeds are marketed pursuant to this paragraph the seller shall, upon or before delivery, provide the purchaser with a written statement that the seeds are marketed before the completion of the official examination in respect of germination together with the result of the preliminary test of germination;

(*c*) the official examination in respect of germination shows that the seeds have failed to attain the minimum germination standard required by paragraph 5 of Part II of Schedule 4 for seeds of that kind, the seller shall provide the purchaser with the result of the completed test, in writing, as soon as practicable and in any event not later than seven days after being informed of it.

(7) The provisions of paragraph (6) shall not apply to the marketing of any seed lot or part of any seed lot in respect of which a previous official examination has shown that the seed has failed to attain the standards set out for such seed in Part II of Schedule 4.

(8) A person who sells any seeds in accordance with paragraph (6) above shall make a record of—

(*a*) the date of delivery to the purchaser;

(*b*) reference number of the seed lot delivered;

(*c*) the name and address of the purchaser;

(*d*) the date on which the preliminary test of germination was carried out and of the result of that test; and

(*e*) if appropriate, the date on which the purchaser was informed of the result of the completed official examination in respect of germination,

and shall keep that record available for inspection by the Department for a period of twelve months following the date of the last delivery to the purchaser.

(9) Paragraphs (5) and (6) shall not apply to seeds which have been imported from a country other than a member State unless they have been produced directly from Pre-basic Seed, Basic Seed or Certified Seed of the First Generation produced in a member State.

(10) Where seeds are sampled for the official examination referred to in paragraph 2(*c*) of Schedule 2 in an untreated state and are subsequently subjected to chemical treatment the seller shall, upon or before delivering the seeds to the purchaser, provide him with a statement in writing that the seeds have been subsequently subjected to chemical treatment and specifying the chemical nature of such treatment.

(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, those seeds shall be required to meet the appropriate standards prescribed in Part II of Schedule 4, and the person marketing the seeds shall be deemed to state for the purposes of these Regulations and in relation to the particulars given to a purchaser that the seeds attain the said Higher Voluntary Standard.

(12) Any mixture of seeds to which the provisions of paragraph (11) relate shall be required to meet the appropriate standards prescribed in seeds regulations in respect of all its constituent parts.

(13) Where Certified Seed marketed in accordance with paragraph (1)(*b*)(iii) or (iv) has been verified by the Department as having obtained the appropriate Higher Voluntary Standard such seeds may be marketed as having attained this standard; and for the purposes of this paragraph seeds shall be deemed, subject to the payment of any fees payable under seeds regulations, to have been verified by the Department as having attained the appropriate Higher Voluntary Standard if an application for verification has been made to the Department in such form and manner and containing such information and accompanied by such documents as the Department may require.

(14) In paragraph (3)(*e*) "Certified Seed of the Third Generation" means seeds which—

(*a*) have been produced directly from Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation, or, with the written authority of the maintainer and the Department, from Pre-basic Seed; and

(*b*) are intended for the production of plants.

(15) Seeds which have been produced and packaged in a member State other than the United Kingdom which do not fall into any of the categories set out in regulation 3(2) shall not be marketed in Northern Ireland until they have been officially certified in accordance with these Regulations or the Fodder Plant Seeds Regulations 1993.

(16) Seeds which have been produced from Basic Seed, Certified Seed of the First Generation or Generations prior to Basic Seed and which have been produced from a crop which has been found on official examination to satisfy the conditions for the appropriate category laid down in Part I of Schedule 4

may be marketed to Great Britain or to a member State other than the United Kingdom notwithstanding that they have not been officially certified. A package of such seed shall be sealed in accordance with regulation 8, labelled in accordance with regulation 9 with an official label and be accompanied by a document giving the information set out in Section G of Part I of Schedule 6.

Official certificates

6.—(1) An application for the issue of an official certificate in respect of a seed lot of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation or Commercial Seed—

(*a*) shall be made in writing to the Department in such form and manner, and shall be accompanied by such documents, as the Department may require; and

(*b*) shall be made—

(i) in respect of field peas and field beans not later than the fifteenth day of March of the second year following the year of harvest of the crop from which the seed lot is obtained; and

(ii) in respect of all other seeds not later than the thirty-first day of December of the year following the year of harvest of the crop from which the seed lot is obtained,

or, in either case, within such other time as the Department may allow.

(2) Where an application for the issue of an official certificate is made to the Department in accordance with paragraph (1) the Department shall deal with the application in accordance with the provisions of Schedule 2.

(3) The Department may withdraw an official certificate which has been issued by it in respect of either the whole of a seed lot or any part of a seed lot and any seeds from which an official certificate has been so withdrawn shall be deemed not to have been officially certified if—

(*a*) the results of an official examination of the seeds in respect of which the official certificate has been issued are deemed null and void in accordance with regulation 7(2); or

(*b*) information has been received by it which, if known to it before the official certificate was issued, would have resulted in the application for its issue being refused on the grounds that the seeds did not meet the requirements of seed regulations.

(4) Where, in accordance with paragraph (3), seeds are deemed not to have been officially certified the seller of the seeds shall, as soon as practicable and in any case not later than 7 days after being informed of it notify the purchaser, in writing, that the seeds have not been officially certified.

Sampling

7.—(1) A sample of seeds taken for the purpose of an official examination shall be taken, subject to the payment of any fees payable under

seeds regulations, by a person authorised by the Department in that behalf and in accordance with the provisions of Schedule 5.

(2) Where a sample of seeds taken for the purpose of an official examination is found not to have been taken in accordance with the requirements of seeds regulations no, or no further, official examination shall be made of that sample, and any findings or results obtained in the course of any official examination of the sample of seeds already made shall be deemed null and void.

Sealing of packages

8.—(1) A person shall not market in accordance with regulation 5(1)(*b*)(i) or (2), a package (other than a small package, a small EEC A package or a small EEC B package) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Commercial Seed or a mixture of seeds unless it has been, not later than at the time of sampling, sealed by or under the supervision of a person authorised by the Department in that behalf in such a manner than when the package is opened the seal will be broken and cannot be re-used.

(2) Where a package of seeds which has been sealed in accordance with paragraph (1) or a package of seeds to which the provisions of regulation 5(1)(*b*)(ii), (iii) or (iv) apply has been opened it shall not be re-sealed or further re-sealed except by or under the supervision of a person authorised by the Department in that behalf.

(3) A person shall not market a small package, a small EEC A package or a small EEC B package in accordance with regulation 5(1)(*b*)(i) or (2) unless it has been sealed in such a manner that when the package is opened the seal will be broken and cannot be re-used.

(4) Where a small EEC A package or a small EEC B package which has been sealed in accordance with paragraph (3) or to which the provisions of regulation 5(1)(*b*)(iii) apply has been opened it shall not be re-sealed or further re-sealed except by or under the supervision of a person authorised by the Department in that behalf.

Labelling of packages

9.—(1) Subject to paragraph (12) a person shall not market any seeds in accordance with regulation 5(1)(*a*), (*b*)(i) or (2) except in a package which, not later than at the time of sealing, is labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2) A package (other than a small package, a small EEC A package or a small EEC B package) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Commercial Seed or a mixture of seeds shall have affixed on the outside an official label containing, as appropriate to the seeds, particulars specified in Part I of Schedule 6 and being of at least the size and of the colour also specified in that Part, which shall be either an adhesive label or a label secured to the package by a seal approved by the Department and shall be affixed (in either case) by or under the supervision of a person authorised by the Department in that behalf.

(3) Where in accordance with regulation 5(5) a person markets any Pre-basic Seed or Basic Seed which has attained a lower percentage of germination than that specified in Schedule 4 that fact shall be stated on the official label, or included in the particulars printed or stamped on the package in accordance with paragraph (6) and a supplier's label affixed to the outside of the package shall contain—

(*a*) a statement of the percentage of germination of the seeds;

(*b*) the name and address of the person marketing those seeds; and

(*c*) the reference number of the seed lot.

(4) A person who markets a package (other than a small package, a small EEC A package or a small EEC B package) containing a mixture of seeds shall, with the seeds or within 14 days after the sale or delivery (whichever is the later) of that package, give to the purchaser a statement in writing on a label attached to the package, or on the package itself or on an invoice or other document associated with the seeds, containing the particulars, specified in Section F of Part I of Schedule 6 as appropriate to the seeds.

(5) A package (other than a small package, a small EEC A package or a small EEC B package) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Commercial Seed or a mixture of seeds shall contain an official inner label which shall be of the same colour as, and in addition to, the official label affixed to the outside of the package in accordance with paragraph (2) and such official inner label shall contain particulars of—

(*a*) the reference number of the lot;

(*b*) the kind;

(*c*) in the case of a mixture, the proprietary name of the mixture or of the kinds of the constituents; and

(*d*) in the case of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation of the variety and, in the case of Commercial Seed, of the matter specified in item 2 of Section D of Part I of Schedule 6,

except that if such particulars are printed indelibly on the outside of the package of if the official label is an adhesive or a tear-resistant label the official inner label referred to in this paragraph shall not be required.

(6) Notwithstanding paragraphs (2), (3) and (4), a package of field beans or field peas (other than a small package) of Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation may be marketed if—

(*a*) the appropriate particulars specified in Part I of Schedule 6 are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and

(*b*) the requirements of Part IV of that Schedule are satisfied.

(7) A small package of seeds shall have affixed on the outside a label containing as appropriate to the seeds the particulars specified in Part II of

Schedule 6 and being of the colour also specified in that Part except that if such particulars are printed indelibly on the outside of the package, the said label shall not be required.

(8) A person who markets a small package containing a mixture of seeds intended for agricultural use shall, within 14 days after the sale or delivery (whichever is the later) of that package, 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 the particulars specified in Section F of Part I of Schedule 6 as appropriate to the seeds.

(9) A small EEC A package and a small EEC B package shall have affixed to the outside either a label, a printed notice or a stamp containing the particulars specified in Part II of Schedule 6 as appropriate to the seeds; except that if the packaging material is transparent a label containing the said particulars may be placed inside the package in such a manner as to be clearly legible from the outside.

(10) Where a package of seeds has been re-sealed in accordance with regulation 8(2) that fact shall be stated on the official label, together with the month and year of re-sealing and the name of the authority responsible for the re-sealing.

(11) Where any seeds have been subjected to any chemical treatment that fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either—

(*a*) on a separate supplier's label; or

(*b*) on the label referred to in paragraph (2), (3), (4), (7), (8) or (9) or, where such a label is not required, with the particulars otherwise given in accordance with those paragraphs,

and also, except where the label referred to in paragraph (2), (3), (4), (7), (8) or (9) is not required or where the information prescribed by this paragraph is given on an adhesive or tear-resistant label, either on the outside of the package or in a statement enclosed in the package.

(12) A person may sell any seeds otherwise than in a package which is labelled, inscribed or otherwise dealt with in accordance with this regulation where the seeds are—

(*a*) sold by way of retail sale in a quantity not exceeding the appropriate maximum weight specified in Schedule 7; and

(*b*) taken, in the presence of the purchaser, from a container on which there is clearly and visibly marked or near which there is clearly and visibly displayed a statement containing the particulars specified in Part III of Schedule 6.

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

(14) Subject to the provisions of the Act and of these Regulations a person shall not, 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 affixed to, contained in or marked on any package of seeds or which is to be so affixed, contained or marked as the case may be.

Civil liabilities of sellers of seeds

10.—(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 4 of the Act in so far as they relate to their category, standard, percentage of germination, the percentage analytical purity, content of seeds of other plant species and as appropriate the varietal identity and varietal purity of the seeds or, in the case of a mixture of seeds permitted by regulation 5(2), of each of its constituents to which these Regulations apply.

(2) Section 4(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), in so far as they relate to the percentage of germination, the percentage analytical purity, or the content of seeds of other plant species and in respect of such matters the limits of variation shall be those set out in the appropriate Part of Schedule 8.

(3) Section 4(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), in so far as they relate to the percentage of germination, the percentage 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 4(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(4) or (8) (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 of 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) or, where the seller has 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 or his representative may, and if the seller or his representative is present shall, take a sample of the seeds and a sample taken pursuant to this paragraph divided by the purchaser or his representative into two parts in accordance with the provisions of Part I of Schedule 5, each part being of at least the appropriate minimum weight specified in Part II of that Schedule, 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 the seller by post.

Sealed with the Official Seal of the Department of Agriculture on 30th June 1994.

(L.S.) *I. C. Henderson*
Assistant Secretary

SCHEDULE 1 Regulations 3(1) and 4(1)

KINDS OF SEEDS TO WHICH THE REGULATIONS APPLY

Latin Name	Common Name
(A) *Gramineae* (Grasses)	
Fine Grasses	
Agrostis canina L.	Velvet bent
Agrostis gigantea Roth	Red top
Agrostis stolonifera L.	Creeping bent
Agrostic capillaris L.	Brown top
Festuca ovina L.	Sheep's fescue, including Fine-leaved fescue, Hard fescue
Festuca rubra L.	Red fescue, Chewings fescue
Festuca pratensis Huds. × *Lolium Multiflorum* Lam.	Festulolium
Poa annua L.	Annual meadowgrass
Poa nemoralis L.	Wood meadowgrass
Poa pratensis L.	Smooth-stalked meadowgrass
Poa trivialis L.	Rough-stalked meadowgrass
Fodder Grasses	
Arrhenatherum elatius (L.) P. Beauv. ex J.S. et K.B. Presl	Tall oatgrass
Bromus catharticus Vahl.	Rescue grass
Bromus sitchensis Trin.	Alaska brome-grass
Dactylis glomerata L.	Cocksfoot
Festuca arundinacea Shreber	Tall fescue
Festuca pratensis Hudson	Meadow fescue
Lolium multiflorum Lam.	Italian ryegrass (including Westerwolds ryegrass)
Lolium perenne L.	Perennial ryegrass
Lolium × *boucheanum* Kunth	Hybrid ryegrass
Phleum bertolonii DC.	Small timothy
Phleum pratense L.	Timothy
(B) *Leguminosae* (Legumes)	
Small Seeded Legumes	
Lotus corniculatus L.	Birdsfoot trefoil
Medicago lupulina L.	Trefoil, Black medick
Medicago sativa L.	Lucerne

Medicago × *varia* T.Martyn	Lucerne
Onobrychis viciifolia Scop.	Sainfoin
Trifolium hybridum L.	Alsike clover
Trifolium pratense L.	Red clover

Large Seeded Legumes

Trifolium repens L.	White clover
Lupinus albus L.	White lupin
Lupinus angustifolius L.	Narrow-leaved lupin (Blue lupin)
Lupinus luteus L.	Yellow lupin
Pisum sativum L. (*partim*)	Field pea
Vicia faba L. (*partim*)	Field bean
Vicia pannonica Crantz	Hungarian vetch
Vicia sativa L.	Common vetch
Vicia villosa Roth	Hairy vetch

(C) *Cruciferae* (Crucifers)

Brassica napus L var. *napobrassica* (L.) Rchb.	Swede
Brassica oleracea L. *convar. acephala* (DC.) Alef. var. thell. + var. *viridis* L. *Medullosa*	Fodder kale
Raphanus sativus L. var. *oleifarmis* Pers.	Fodder radish

SCHEDULE 2 Regulations 3(1) and (2), 5(3), (5) and (10) and 6(2)

OFFICIAL CERTIFICATES

1. On receipt of an application in accordance with regulation 6(1) for the issue of an official certificate in respect of a seed lot of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation or Commercial Seed, the Department shall, subject to paragraphs 2 and 3 and to the payment of any fees payable under seeds regulations, issue in respect of such a seed lot an official certificate containing the particulars specified in Schedule 3.

2. The Department shall not issue an official certificate in respect of a seed lot unless—

(*a*) an application has been made to the Department, in such form and manner and at such time as it may require, for registration by it of—

(i) the seed lot or seed lots to be used for the production of the crop or crops from which the seed lot is to be obtained; and

(ii) the crop or crops from which the seed lot is to be obtained;

(*b*) an official examination of the crop or crops from which the seed lot was obtained shall have shown that the crop or crops attained one of the standards appropriate to the category set out in Part I of Schedule 4; and

(*c*) an official examination of a sample of the seed lot has shown that the seeds attained one of the standards appropriate to the category set out in Part II of Schedule 4; except that—

(i) paragraphs 2(*a*) and (*b*) shall not apply in relation to an application for the issue of an official certificate in respect of Commercial Seed;

(ii) paragraphs 2(*a*), (*b*) and (*c*) shall not apply in relation to an application for the issue of an official certificate in respect of Breeder's Seed where the seeds have been sampled for the purposes of an examination of a plot in accordance with paragraph 1 of Part I of Schedule 4, and where the seeds met the requirements set out in paragraph 3 of Part II of Schedule 4;

(iii) paragraph 2(*c*), in so far as it relates to standards of germination set out in Part II of Schedule 4, shall not apply in relation to an application for the issue of an official certificate in respect of seeds which are marketed in accordance with and subject to the requirements of regulation 5(5); and

(iv) the Department shall issue an official certificate in respect of a seed lot marketed in accordance with, and subject to any conditions imposed by, a licence granted by the Department under regulation 5(3).

3. The Department may refuse to issue an official certificate in respect of a seed lot if it appears to it that—

(*a*) a sample of the seed lot taken for the purpose of an official examination in order to ascertain whether such seed lot attains the appropriate standard set out in Part II of Schedule 4 has not been taken in accordance with the provisions of Schedule 5;

(*b*) an examination of a plot sown with a sample of the seed lot sown in the field shows that the crop does not attain the appropriate standard set out in Part I of Schedule 4;

(*c*) there has been any breach of seeds regulations in relation to the seed lot in respect of which application for an official certificate has been made.

SCHEDULE 3 Regulation 3(1)

PARTICULARS TO BE SPECIFIED IN AN OFFICIAL CERTIFICATE

(i) Name and address of Certifying Authority
(ii) Applicant's name, address and registered number
(iii) Seed lot reference number
(iv) Kind/Variety/Category/Standard
(v) Net weight of seed lot and number of containers
(vi) Seed treatment (if applicable)

SCHEDULE 4 Regulations 3(1) and (2), 5(3), (5), (6), (7), (11), and (16) and 9(3)

REQUIREMENTS FOR BASIC SEED, CERTIFIED SEED, CERTIFIED SEED OF THE FIRST GENERATION, CERTIFIED SEED OF THE SECOND GENERATION AND COMMERCIAL SEED

PART I

CONDITIONS RELATING TO CROPS FROM WHICH SEEDS OTHER THAN COMMERCIAL SEEDS ARE OBTAINED

1. So far as the Department can ascertain them, by the use of methods which shall include official examination of the crop and which may, at such stages in the production of a variety as the Department may require, 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, the requirements for the crop set out in paragraphs 2 to 8 shall be met.

Varietal identity and varietal purity

2. The characteristics for the determination of varietal identity and varietal purity shall be those recognised as those of the variety for the purposes of the National List or the Common Catalogue.

Official examination of crops

3. An official examination of a crop shall be carried out in such a manner and at such times (when the cultural condition of the field and the stage of development and condition of the crop are such as to permit suitable checks of varietal identity, varietal purity, species purity to be made) as the Department may reasonably require.

Previous cropping

4. 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 Department's requirements in that respect.

Limitation of the number of harvest years

5. A crop intended to produce Pre-basic Seed, Basic Seed or Certified Seed of Italian ryegrass, and varieties of other kinds which are conducive to the establishment from shed seed of a high proportion of plants which themselves produce seeds, shall not be used to produce a crop in the second harvest year unless:—

(*a*) Pre-basic Seed was produced in the first harvest year in which case Basic Seed may be produced; or

(*b*) Basic Seed was produced in the first harvest year and the seed sown to produce the crop was Pre-basic Seed in which case Certified Seed may be produced.

Isolation distances

6. There shall be a physical barrier or at least two metres of fallow between the seed crops and any crop likely to cause contamination in the seed.

7.—(1) Subject to sub-paragraph (2) throughout the period of flowering of the crop there shall be the following minimum distances from sources of undesirable pollen capable of fertilizing the crop:—

(*a*) Crucifers. Crops to produce—		
Basic Seed	400 metres	
Certified Seed	200 metres	
	Crop Area	
	up to 2 hectares	over 2 hectares
(*b*) Field beans. Crops intended to produce—		
Basic Seed and Certified Seed of the First Generation	200 m	100 m
Certified Seed of the Second Generation	100 m	50 m
(*c*) Other cross-fertilised species. Crops intended to produce—		
Basic Seed	200 m	100 m
Certified Seed	100 m	50 m

(2) With the approval of the Department the distances referred to in sub-paragraph (1) may be reduced if there is adequate protection against undesirable pollen.

Standards for varietal purity

8. The crop shall have sufficient varietal identity and varietal purity. In particular the average level of the following impurities, by area or by number, as appropriate, shall not exceed—

	IN CROPS INTENDED TO PRODUCE	
	Basic Seed	Certified Seed, Certified Seed of the First and Second Generations
(*a*) recognisable off-types of the same species in grasses and herbage legumes (incuding Italian or awned ryegrass in perennial ryegrass and perennial or awnless ryegrass in Italian ryegrass) other than smooth-stalked meadowgrass	1 plant in 50 sq m	1 plant in 10 sq m
(*b*) recognisable off-types of the same species in smooth-stalked meadowgrass other than apomictic uni-clonal varieties	1 plant in 20 sq m	4 plants in 10 sq m
(*c*) recognisable off-types of the same species in apomictic uni-clonal varieties of smooth-stalked meadowgrass	1 plant in 20 sq m	6 plants in 10 sq m

	IN CROPS INTENDED TO PRODUCE	
	Basic Seed	Certified Seed, Certified Seed of the First and Second Generations
(*d*) recognisable off-types of the same species in field peas and field beans	0.3%	1%
(*e*) recognisable off-types of the same species in swede and fodder kale	0.3%	1%
(*f*) recognisable off-types of the same species in vetches, lupins and fodder radish	1 plant in 30 sq m	1 plant in 10 sq m
(*g*) plants (other than those classified as off-types) grown from shed seeds in grasses and herbage legumes	1% of seed heads in crop	No standard
(*h*) ryegrass in cocksfoot, meadow fescue, red fescue or tall fescue	1 plant in 50 sq m	1 plant in 10 sq m
(*i*) suckling clover (Trifolium dubium Sibth.) in white clover	1 plant in 50 sq m	1 plant in 10 sq m

PART II

CONDITIONS RELATING TO THE SEEDS

1. Basic Seed, Certified Seed and Certified Seed of the First Generation and Certified Seed of the Second Generation shall possess the varietal identity and varietal purity specified in Part I; for apomictic uni-clonal varieties of smooth-stalked meadowgrass the minimum varietal purity shall be 99.7% for Basic Seed and 98% for Certified Seed.

2. For lucerne and red clover, Basic Seed and seeds intended to attain for the Higher Voluntary Standard shall be effectively fumigated if stem eelworm (Ditylenchus dipsaci) is reported on official examination of the crop.

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

4. For each seed lot of Pre-basic Seed or Basic Seed of field beans, a minimum of 1,000 seeds and, for each seed lot of Certified Seed of the First Generation of field beans, a minimum of 500 seeds shall be officially examined for Ascochyta fabae and the level of infection shall not exceed 1 seed in 1,000 for Pre-basic Seed, 2 seeds in 1,000 for Basic Seed and 2 seeds in 500 for Certified Seed of the First Generation.

5. The seeds shall comply with the following standards:—

Kind	Minimum germination (% by number of pure seeds or pure pellets)(a)	Maximum hard seed content (% by number of pure seeds or pure pellets)	Minimum analytical purity (% by weight)	Maximum total content of seeds of other plant species (% by weight)		
	All categories	All categories	All categories	Basic Seed	Certified Seed, Certified Seed of the First and Second Generations	Commercial Seed
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Brown top	75		90	0.3	2.0	(d)
Red top	80		90	0.3	2.0	(d)
Other *Agrostis* spp	75		90	0.3	2.0	3.0(d)
Tall oatgrass	80		90	0.3	3.0	4.0(d)
Rescue grass	75		97	0.4	1.5	(d)
Alaska brome-grass	75		97	0.4	1.5	(d)
Sheep's fescue	75		85	0.3	2.0	3.0(d)
Poa spp. other than *Poa pratensis*	75		85	0.3	2.0	3.0(e)
Birdsfoot trefoil	75(b)	40	95	0.3	1.8	2.8
Narrow-leaved lupin (Blue lupin)	75(b)	20	98(c)	0.3	0.5	1.5
Other lupins	80(b)	20	98(c)	0.3	0.5	1.5(e)
Trefoil	80(b)	20	97	0.3	1.5	2.5
Alsike clover	80(b)	20	97	0.3	1.5	2.5
Vetches	85(b)	20	98(c)	0.3	1.0	2.0(e)
Swede	80		98	0.3	1.0	(d)
Fodder kale	75		98	0.3	1.0	(d)
Fodder radish	80		97	0.3	1.0	(d)
Field pea	80		98	0.3	0.5	(d)
Field bean	85(b)	5	98	0.3	0.5	(d)

(a) All fresh and healthy seeds which do not germinate after pre-treatment shall be considered as seeds which have germinated.
(b) Up to the maximum content indicated in column (3), hard seeds present shall be considered as seeds capable of germination.
(c) For Commercial Seeds 97%.
(d) No Commercial Seed except under licence.
(e) The Standard for Commercial Seed applies to the kinds of seed listed in the definition of commercial seed:— Regulation 3(2). Footnote (d) applies to the remaining kinds.

Kind	Minimum germination (% by number of pure seeds or pure pellets)(a)	Maximum hard seed content (% by number of pure seeds or pure pellets)	Minimum analytical purity (% by weight)		Maximum total content of seeds of other plant species (% by weight)		
	Basic Seed and Certified Seed	Basic Seed and Certified Seed	Basic Seed and Certified Seed (Minimum Standard)	Certified Seed (Higher Voluntary Standard)	Basic Seed	Certified Seed (Minimum Standard)	Certified Seed (Higher Voluntary Standard)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Perennial ryegrass	80		96	98	0.3	1.5	1.5
Italian ryegrass	75		96	98	0.3	1.5	1.5
Hybrid ryegrass	75		96	98	0.3	1.5	1.5
Cocksfoot	80		90	90	0.3	1.5	1.5
Timothy	80		96	98	0.3	1.5	1.5
Meadow fescue	80		95	98	0.3	1.5	1.5
Smooth-stalked meadowgrass	75		85	90	0.3	2.0	1.5
Red fescue	75		90	95	0.3	1.5	1.5
Festulolium	75		96	98	0.3	1.5	1.5
Tall fescue	80		95	98	0.3	1.5	1.5
Red clover	80(b)	20	97	98	0.3	1.5	1.5
White clover	80(b)	40	97	98	0.3	1.5	1.5
Sainfoin	75(b), (c)	20(c)	95(c)	98	0.3	2.5(c)	1.5
Lucerne	80(b)	40	97	98	0.3	1.5	1.5

(a) All fresh and healthy seeds which do not germinate after pre-treatment shall be considered as seeds which have germinated.
(b) Up to the maximum content indicated in column (3), hard seeds present shall be considered as seeds capable of germination.
(c) Including Commercial Seed.

6. The seeds shall also comply with the following standards where appropriate. Where number standards are indicated by number a sample of the weight indicated in column 2 shall be examined.

Kind	Weight of sample for determination of foreign seeds by number	Maximum permitted content of seed imp							
		Avena fatua. A. ludoviciana and *A. sterilis* (Wild Oat) or *Cuscuta* spp. (Dodder)		*Rumex* spp. (Docks and Sorrels) excluding *R. acetosella* (Sheep's sorrel) and *R. maritimus* (Golden dock)			*Alopecurus myosuroides* (Blackgrass)		
		Basic Seed	Certified Seed	Basic Seed	Certified Seed		Basic Seed	Certified Seed	
			Minimum Standard and Higher Voluntary Standard		Minimum Standard	Higher Voluntary Standard		Minimum Standard	Higher Voluntary Standard
	(grams)	No.	No.	No.	No.	No.	No.	%	No.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Perennial ryegrass	60	0	(0)(a)	2	5	5	5	0.3	10
Italian ryegrass	60	0	(0)(a)	2	5	5	5	0.3	10
Hybrid ryegrass	60	0	(0)(a)	2	5	5	5	0.3	10
Cocksfoot	30	0	(0)(a)	2	5	5	5	0.3	10
Timothy	10	0	(0)(a)	2	5	4	1	0.3	10
Meadow fescue	50	0	(0)(a)	2	5	5	5	0.3	10
Smooth-stalked meadowgrass	5	0	(0)(a)	1	2	2	1	0.3	3
Red fescue	30	0	(0)(a)	2	5	5	5	0.3	10
Festulolium	60	0	(0)(a)	2	5	—	5	0.3	—
Tall fescue	50	0	(0)(a)	2	5	5	5	0.3	10
Red clover	50	0	(0)	5	10	10	—	—	10
White clover	20	0	(0)	5	10	10	—	—	10
Sainfoin Seed/fruit	400/600	0	(0)(k)	2	5	5	—	—(k)	10
Lucerne	50	0	(0)	3	10	10	—	—	10

(a) For Certified Seed Minimum Standard, 1 seed of dodder in a sample of the weight specified in column (2) shall not be regarded as an impurity if a second sample of the same weight is free from dodder

(b) The presence of a maximum of 80 seeds of *Poa* spp. in a sample of the weight specified in column (2) shall not be regarded as an impurity

(c) There shall be no more than 0.4% by weight of annual meadowgrass

(d) In Basic Seed awned ryegrass seeds shall not exceed 5 seeds in a sample of the weight specified in column (2) of seeds of a variety known not to produce seeds with awns. In Certified Seed awned ryegrass seeds shall not exceed 1% by weight in seeds of a variety known not to produce seeds with awns

(e) There shall be no more than 0.3% by weight of *Agrostis* spp.

(f) There shall be no more than 0.3% by weight of ryegrasses.

(g) There shall be no more than 0.3% by weight of rough-stalked meadowgrass

(h) For Certified Seed, Higher Voluntary Standard of red fescue, there shall be no more than a total of 4 seeds of ryegrass, cocksfoot and meadow fescue in a sample of the weight specified in column (2).

(j) One seed of *Melilotus* spp. in a sample of the weight specified in column (2) shall not be regarded as an impurity if a second sample of twice that weight is free of *Melilotus* spp.

(k) Including Commercial Seed.

ities (by number or as a percentage by weight)

Agropyron repens (couch)			*Melilotus* spp. (Sweetclovers)		Maximum content of any one other plant species			Other Requirements
Basic Seed	Certified Seed		Basic Seed	Certified Seed	Basic Seed	Certified Seed		
	Minimum Standard	Higher Voluntary Standard		Minimum Standard and Higher Voluntary Standard		Minimum Standard	Higher Voluntary Standard	
No.	%	No.	No.	%	No.	%	No.	
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
5	0.5	10	—	—	20(**b**)	1.0	0.5(**c**), (**g**)	(**d**)
5	0.5	10	—	—	20(**b**)	1.0	0.5(**c**), (**g**)	
5	0.5	10	—	—	20(**b**)	1.0	0.5(**c**), (**g**)	
5	0.3	10	—	—	20(**b**)	1.0	0.5	
1	0.3	10	—	—	20	1.0	0.5(**e**)	
5	0.5	10	—	—	20(**b**)	1.0	0.5(**f**), (**g**)	
1	0.3	3	—	—	20	1.0(**l**)	0.5(**m**)	
5	0.5	10	—	—	20(**b**)	1.0	0.5(**g**)	(**h**)
5	0.5	10	—	—	20(**b**)	1.0	—	
5	0.5	10	—	—	20(**b**)	1.0	0.5(**f**), (**g**)	
—	—	10	0(**j**)	0.3	20	1.0	0.5	
—	—	10	0(**j**)	0.3	20	1.0	0.5	
—	—(**k**)	10	0	0.3(**k**)	20	1.0(**k**)	0.5	
—	—	10	0(**j**)	0.3	20	1.0	0.5	

l) In Certified Seed a maximum of 0.8% by weight of seeds of other meadowgrasses shall not be regarded as an impurity.

Kind	Weight of sample for determination of foreign seeds by number	Maximum permitted content of se					
		Avena fatua, *A. ludoviciana* and *A. sterilis* or *Cuscuta* spp.		*Rumex* spp. excluding *R. acetosella* and *R. maritimus*		*Alopecurus myosuroides*	
		Basic Seed	All other categories	Basic Seed	All other categories	Basic Seed	All oth categor
	(grams)	No.	No.	No.	No.	No.	%
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Red top and brown top	5	0	0(**l**)	1	2	1	0.3
Other *Agrostis* spp.	5	0	0(**l**)	1	2	1	0.3
Tall oatgrass	80	0	0(**l**), (**m**)	2	5	5	0.3
Rescue grass	200	0	0(**l**), (**m**)	5	10	5	0.3
Alaska brome-grass	200	0	0(**l**), (**m**)	5	10	5	0.3
Sheep's fescue	30	0	0(**l**)	2	5	5	0.3
Annual meadowgrass	10	0	0(**l**)	1	5	1	0.3
Rough-stalked meadowgrass	5	0	0(**l**)	1	2	1	0.3
Wood meadowgrass	5	0	0(**l**)	1	2	1	0.3
Birdsfoot trefoil	30	0	0	3	10	—	—
Narrow-leaved lupin (Blue lupin)	1,000	0	0	2	5	—	—
Other lupins	1,000	0	0	2	5	—	—
Trefoil	50	0	0	5	10	—	—
Alsike clover	20	0	0	3	10	—	—
Vetches	1,000	0	0	2	5	—	—
Swede	100	0	0(**l**)	2	5	—	—
Kale	100	0	0(**l**)	3	10	—	—
Fodder radish	300	0	0	2	5	—	—
Field pea	1,000	0	0	2	5	—	—
Field bean	1,000	0	0	2	5	—	—

(**b**) The presence of a maximum of 80 seeds of *Poa* spp. in a sample of the weight specified in column (2) shall not be regarded as an impurity.

(**j**) One seed of *Melilotus* spp. in a sample of the weight specified in column (2) shall not be regarded as an impurity if a second sample of twice that size is free of *Melilotus* spp.

(**l**) One seed of dodder in a sample of the weight specified in column (2) shall not be regarded as an impurity if a second sample of the same weight is free from dodder

(**m**) A maximum of 2 seeds of wild oat in a sample of the weight specified in column (2) shall not be regarded as an impurity if a second sample of the same weight is free from wild oat.

(**n**) The presence of the seeds of any single *Poa* spp. may exceed the percentage by weight specified.

(**p**) In Basic Seed of meadowgrass there shall be no more than 1 seed of *Poa* spp. other than the species being examined in a sample of 500 seeds.

(**q**) In Certified Seed of meadowgrass a maximum of 0.8% by weight of seeds of other meadowgrass shall not be regarded as an impurity.

(**r**) Ten % by weight of other *Poa* spp. shall not be regarded as an impurity.

(**s**) Three % by weight of other *Poa* spp. shall not be regarded as an impurity.

(**t**) No Commercial Seed except under licence.

(**u**) The presence of a maximum of 1.0% by weight of seeds of red clover shall not be regarded as an impurity.

(**v**) The presence of a maximum of 0.5% by weight in total of seeds of white, narrow-leaved (blue) and yellow lupins, Hungarian, common and hairy vetch, field pea and field bean shall not be regarded as an impurity.

impurities (by number or as a percentage by weight)

Agropyron repens		*Melilotus* spp.		Maximum content of any one other plant species			Other Requirements
Basic Seed	All other categories	Basic Seed	All other categories	Basic Seed	Certified Seed or Certified 1st or 2nd Generations	Commercial Seed	
No.	%	%	%	No.	%	%	
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
1	0.3	—	—	20	1.0	(t)	
1	0.3	—	—	20	1.0	2.0(t)	
5	0.5	—	—	20(b)	1.0(m)	2.0(n), (t)	
5	0.5	—	—	20	1.0	(t)	
5	0.5	—	—	20	1.0	(t)	
5	0.5	—	—	20(b)	1.0	2.0(t)	
1	0.3	—	—	20(p)	1.0(q)	2.0(r)	
1	0.3	—	—	20(p)	1.0(q)	2.0(s), (t)	
1	0.3	—	—	20(p)	1.0(q)	2.0(s), (t)	
—	—	0(j)	0.3	20	1.0(u)	(t)	
—	—	0	0.3	20	0.3(v)	1.3(v)	(w)
—	—	0	0.3	20	0.3(v)	1.3(v), (z)	(w)
—	—	0(j)	0.3	20	1.0	(t)	
—	—	0(j)	0.3	20	1.0	(t)	
—	—	0	0.3	20	0.5(v)	1.5(v), (x), (z)	
—	—	—	—	20	0.5	(t)	(y)
—	—	—	—	20	0.5	(t)	(y)
—	—	—	—	20	0.5	(t)	(y)
—	—	0	0.3	20	0.3	(t)	
—	—	0	0.3	20	0.3	(t)	

(w) In Basic Seed of lupins the percentage by number of bitter lupins in sweet varieties shall not exceed 1.0. In Certified Seed of lupins the percentage by number of bitter lupin seeds in sweet varieties shall not exceed 2.5 and the percentage by number of seeds of another colour shall not exceed 2.0 in bitter lupins and 1.0 in other lupins. In Commercial Seed of lupins (bitter varieties) the percentage by number of seeds of another colour shall not exceed 4.0.

(x) The presence of a maximum of 6% by weight in total seeds of Hungarian, common and hairy vetch shall not be regarded as an impurity.

(y) For all categories there shall be no more than a maximum of 0.3% by weight of *Raphanus raphanistrum* (wild radish) or *Sinapis arvensis* (charlock).

(z) The standard for Commercial Seed applies to the kinds of seeds listed in the definition of Commercial Seed in Regulation 3(2). Footnote (t) applies to the remaining kinds.

PART III

ASCOCHYTA FABAE STANDARDS

Category	Maximum percentage of infected seeds
Certified Seed of the Second Generation	1.0

SCHEDULE 5 Regulation 3(1), 5(3), 7(1) and 10(5)

PART I

SAMPLING OF SEED LOTS

1. (*a*) A sample shall be obtained from the seed lot by taking primary samples at random from different positions in the lot and combining them to form a composite sample of at least the appropriate minimum weight prescribed in Part II for a submitted sample of a particular kind of seed.

(*b*) A composite sample formed in accordance with sub-paragraph (*a*) shall, subject to sub-paragraph (*c*), be used as a submitted sample.

(*c*) Where a composite sample exceeds the appropriate maximum weight prescribed in Part II for a submitted sample of a particular kind of seed, either of the dividers described in paragraph 13 may be used to obtain the submitted sample.

Primary sample size

2. At each position of sampling of a seed lot, primary samples of approximately equal size shall be taken.

Condition of the seed lot

3. The seed lot to be sampled shall have been subject to appropriate mixing and blending techniques so that it is as uniform as practicable. There shall be no documentary or other evidence of heterogeneity. If a seed lot is presented for sampling in more than one container, the container shall be of the same size and type and contain approximately the same weight of seed.

Sampling from sacks or similar containers

4. Where the seed lot is in sacks or similar sized containers each containing more than 15 kg of seed and not more than 100 kg of seed, the minimum number of containers to be sampled shall be ascertained in accordance with the following table:—

NUMBER OF CONTAINERS IN THE LOT	MINIMUM NUMBER OF CONTAINERS TO BE SAMPLED
1-5	Sample each container and always take at least 5 primary samples
6-30	Sample 5 containers or at least 1 in every 3 containers whichever is the greater
31-400	Sample 10 containers or at least 1 in every 5 containers whichever is the greater
401 or more	Sample 80 containers or at least 1 in every 7 containers whichever is the greater.

5. The containers to be sampled shall be selected at random and primary samples drawn from the top, middle and the bottom of containers, but not necessarily from more than one position in any container. The position from which the seed is taken shall be varied from container to container.

Sampling from small containers

6. Where a seed lot is in a container holding 15 kg of seed or less, a 100 kg weight of seed shall be taken as the basic unit and a number of such containers shall be combined to form a sampling unit not exceeding 100 kg (for example 6 packages of 15 kg, 20 packages of 5 kg). For sampling purposes each such unit shall be regarded as one container and the sampling procedures prescribed in paragraphs 4 and 5 shall be used.

7.—(1) Where seed is in a moisture-proof container the opened or pierced container shall be adequately closed or the residues from sampling transferred to a new container.

(2) Where seeds are in small packages holding 100 g or less each package may be considered as a primary sample and a sufficient number shall be taken at random to obtain a submitted sample of the minimum size prescribed in Part II.

Sampling from large containers or seed in bulk

8. Where a seed lot is in a container holding more than 100 kg of seed, or where a seed lot is in bulk, primary samples shall be taken from different horizontal and vertical positions selected at random and the minimum number of samples to be taken shall be ascertained in accordance with the following Table:—

LOT WEIGHT	MINIMUM NUMBER OF PRIMARY SAMPLES TO BE TAKEN
Up to 500 kg	5 primary samples
501-3,000 kg	1 primary sample for each 300 kg or 5 primary samples whichever is the greater
3,001-20,000 kg	1 primary sample for each 500 kg or 10 primary samples whichever is the greater
20,001 kg or more	1 primary sample for each 700 kg or 40 primary samples whichever is the greater.

Sampling from a seed stream

9. Samples may be drawn from a seed stream during processing using an automatic sampling device which shall uniformly sample the entire cross-section of the seed stream when a sample is taken. Portions of seed shall be taken at regular intervals throughout the processing of the seed lot and the minimum number of samples to be taken shall be ascertained in accordance with the Table to paragraph 8.

Sampling instruments

10. A sampling instrument shall be capable of sampling all parts of the seed lot and shall be clean before use.

11. The instrument used for drawing primary samples shall be one of the samplers described in sub-paragraphs (*a*) to (*d*) as appropriate to the location of the seeds.

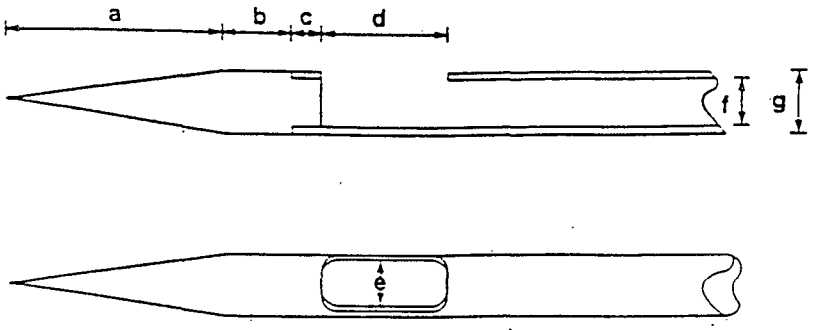
(*a*) Dynamic spear sampler

This instrument may be used in accordance with one of the methods described in paragraph 12(1) for taking samples of seeds from sacks or small containers and shall—

(i) be a hollow, cylindrical, solid-pointed metal spear or trier as specified in Figure I with the dimensions specified in the Table thereto as appropriate to the kind of seed; and

(ii) have an aperture so positioned that portions of seed of equal volume are removed from each part of the sack through which it travels.

Figure I



TABLE

Dimensions (mm)

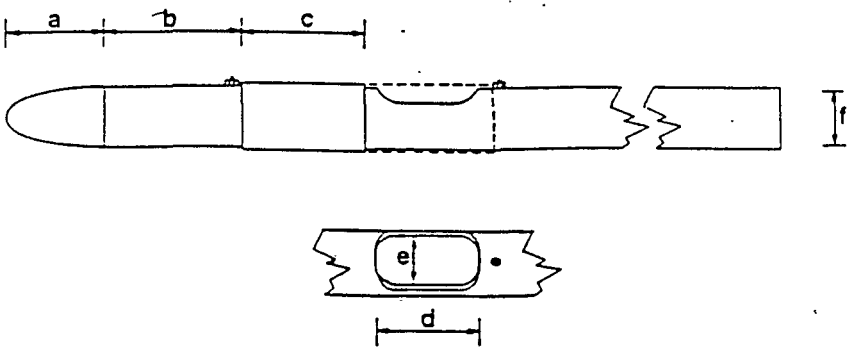
	Point (*a*)	Shoulder (*b*)	Boss (*c*)	Aperture Length (*d*)	Aperture Width (*e*)	Bore (*f*)	Outside Diameter (*g*)
For sampling:							
All kinds other than field pea, field bean, lupins, vetches, sainfoin (fruit), ryegrasses, festulolium, cocksfoot, tall and meadow fescues and tall oatgrass.	42	7	8	20	8	10	12
All kinds other than field pea, field bean, lupins, vetches.	85	12	10	33	11	13	15
All kinds.	82	12	13	40	15	17	19
Field pea and field bean.	78	15	15	40	18	20	22

(*b*) Stick samplers

These instruments shall have an aperture or apertures which shall be of sufficient size to allow the unrestricted entry of seeds or other particles and which shall be capable of being opened and closed during the sampling procedure as appropriate to the procedures set out in paragraph 12(2) in relation to the single chamber type or in paragraph 12(3) in relation to the multi-chamber type as the case may be.

(i) A stick sampler of the single chamber type shall be that sampler specified in Figure II having the dimensions specified in the Table thereto, and may be used for taking samples of seeds from open sacks, from containers holding more than 100 kg or from bulk.

Figure II



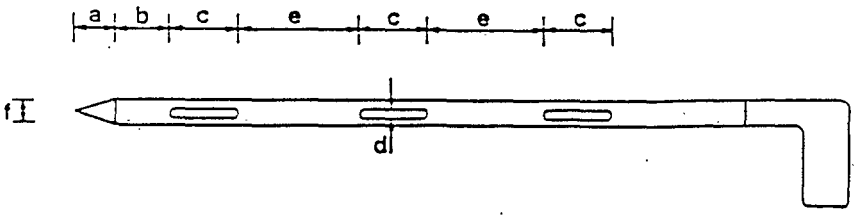
TABLE

Dimensions (mm)

	Point	Shoulder	Sliding Sleeve	Aperture Length	Aperture Width	Bore
	(*a*)	(*b*)	(*c*)	(*d*)	(*e*)	(*f*)
For sampling:						
Seeds in sacks.	55	25	75	50	22	25
Seeds from containers holding more than 100 kg or from bulk.	100	390	63	50	22	30

(ii) A stick sampler of the multi-chamber type shall be that sampler specified in Figure III having the dimensions specified in the Table thereto and may be used to take samples of seeds from sacks or, subject to the requirements of paragraph 10, any other containers. The apertures shall open into chambers which shall be separated from one another by transverse partitions. The contents of each chamber shall be regarded as a primary sample.

Figure III



TABLE

Dimensions (mm)

	Point	Shoulder	Aperture Length	Aperture Width	Aperture Separation	Bore
	(*a*)	(*b*)	(*c*)	(*d*)	(*e*)	(*f*)
For sampling:						
All kinds.	60	50	100	15	110	25

(*c*) Cargo sampler

This instrument shall only be used, in accordance with the procedures set out in paragraph 12(4), for taking samples of seed from containers holding more than 100 kg or from bulk and shall be used only in the vertical position.

(*d*) Seed stream samplers

Seed stream samplers shall uniformly sample the entire cross section of the seed stream without any loss of the seeds which enter the sampler, in accordance with the procedure set out in paragraph 12(5). Timing devices shall be attached so that the frequency and duration of sampling can be adjusted to meet the requirements of paragraph 9.

Procedures and methods of use

12.—(1) A dynamic Spear Sampler may be used in accordance with one of the following methods as appropriate to their length, that is to say—

Method 1 (For instruments in which the aperture reaches only to the centre of the sack or small container).

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 or container. The instrument shall be lightly tapped to remove any seed taken in and then rotated to bring the aperture uppermost. It shall be withdrawn immediately with a vibratory or oscillatory motion and at a decreasing speed so that the quantity of seed obtained from successive locations increases progressively from the centre to the side of the sack. Seed passing through the instrument shall be collected in a clean container.

Method 2 (For instruments in which the aperture reaches to the far side of a sack or small container).

A longer instrument shall be inserted in the manner described in *Method 1* until its aperture reaches almost to the far side of the sack or container. It shall be tapped

and rotated in the manner described in *Method 1* and then withdrawn at a uniform speed. Seed passing through the instrument shall be collected in a clean container.

(2) A stick sampler of the single chamber type shall be used in accordance with the procedures set out in sub-paragraphs (*a*) to (*e*), that is to say—

(*a*) the sleeve shall move freely;

(*b*) the instrument shall be inserted vertically downwards till the aperture reaches the appropriate primary sampling position ensuring that the sleeve covers the aperture as it enters the seed;

(*c*) the instrument shall be withdrawn sufficiently to uncover the aperture;

(*d*) the instrument shall be left in position until the primary sample has been collected;

(*e*) the instrument shall be withdrawn and the contents emptied into a clean container.

(3) A stick sampler of the multi-chamber type shall be used in accordance with the procedures set out in sub-paragraphs (*a*) to (*g*), that is to say—

(*a*) the apertures shall be closed before insertion;

(*b*) the instrument shall be inserted diagonally into sacks or vertically into large containers so that all apertures are fully covered;

(*c*) the apertures shall be opened;

(*d*) the instrument shall be agitated so that seed enters;

(*e*) the apertures shall be closed gently to ensure that trapped seed is not broken or damaged;

(*f*) the instrument shall be withdrawn and if the chambers are full the contents shall be emptied onto a clean surface or into a clean container;

(*g*) if all the chambers are not full, the contents shall be discarded and procedures set out in sub-paragraphs (*a*) to (*f*) shall be repeated.

(4) A cargo sampler shall be used in accordance with the procedures set out in sub-paragraphs (*a*) to (*e*), that is to say—

(*a*) the lid shall open and close easily;

(*b*) the instrument shall be inserted with the lid closed to the appropriate primary sampling position which shall be at least 300 mm below the surface of the seed;

(*c*) the handle shall be raised sufficiently to open the lid;

(*d*) the instrument shall be left in position until the primary sample has been collected;

(*e*) the instrument shall be withdrawn and the contents shall be emptied into a clean container.

(5) A seed stream sampler shall be used in accordance with the following procedure—

Such instruments shall be required to take the number of primary samples necessary for the weight of the lot being sampled, the primary samples being taken from the lot at regular intervals and the resultant composite sample being of a weight not less than the appropriate minimum weight prescribed in Part II and not greater than can conveniently be reduced by means of one of the methods of sample reduction described in paragraph 14. Such instrument shall be installed in such a way that the composite sample shall be readily identifiable with the seed lot from which it was taken.

Obtaining submitted sample — composite sample division instruments

13. Where paragraph 1(*c*) applies the divider described in either sub-paragraph (*a*) or (*b*) may be used in accordance with the procedures set out in paragraph 14 to obtain the submitted sample.

(*a*) Riffle divider

The riffle divider shall consist of a rectangular hopper leading to a series of evenly spaced chutes, arranged so that seed is distributed equally on two sides. There shall be a minimum of 18 chutes, each discharging in the opposite direction to its immediate neighbour.

Three or more metal collecting pans of sufficient depth to prevent seed bouncing out shall be used.

(*b*) Centrifugal divider

The centrifugal divider shall consist of a hopper from which seed flows on to a shallow cup which is then rotated by an electric motor. The seed shall be distributed by centrifugal force onto a stationary baffle which divides it into two equal parts which are then discharged through separate spouts.

Four metal collecting pans of sufficient depth to prevent seed bouncing out shall be used.

Procedures for use of dividers

14.—(1) A riffle divider shall be used in accordance with the procedures set out in sub-paragraphs (*a*) to (*s*), that is to say—

(*a*) the divider shall be placed on a firm level surface;

(*b*) the divider and pans shall be clean.

Sample mixing

(*c*) An empty pan shall be placed on each side of the divider to receive the discharge from the chutes;

(*d*) the entire composite sample shall be poured evenly into the other pan;

(*e*) the seed shall then be poured from the pan evenly along the entire length of the hopper;

(*f*) the two pans into which the seed has passed shall then be replaced with empty pans;

(*g*) the procedures set out in sub-paragraph (*e*) and (*f*) shall then be repeated twice to mix the sample thoroughly.

Sample reduction

(*h*) Before reduction, the composite samples shall have been thoroughly mixed using procedures set out in sub-paragraphs (*c*) to (*g*). The contents of one of the two receiving pans shall then be set aside. If the seed in the second pan is of at least the appropriate minimum weight prescribed in Part II for a submitted sample of a particular kind of seed, it may be used as the submitted sample. If the weight of seed in the second pan is greater than the appropriate minimum weight prescribed in Part II for a submitted sample, it may be reduced using the procedures set out in sub-paragraphs (*i*) to (*k*);

(*i*) an empty pan shall be placed on each side of the divider to receive the discharge from the chutes;

(*j*) the contents of the second pan shall be poured evenly along the entire length of the hopper;

(*k*) the contents of one of the two pans into which the seed has passed shall then be set aside. If the weight of seed in the other pan is still greater than the appropriate minimum weight prescribed in Part II for a submitted sample, it may be used as the submitted sample intact or it may be reduced further using the procedures set out in sub-paragraphs (*i*), (*j*) and this sub-paragraph;

(*l*) if the weight of seed in either of the two pans mentioned in sub-paragraph (*h*) or (*k*) is less than the appropriate minimum weight prescribed in Part II for a submitted sample, the procedures set out in sub-paragraphs (*m*) to (*q*) shall be used;

(*m*) an empty pan shall be placed on each side of the divider to receive the discharge from the chutes;

(*n*) the contents of one of the pans shall be set aside. The contents of the other pan shall be poured evenly along the entire length of the hopper;

(*o*) one receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place;

(*p*) the contents of the pan removed at (*o*) shall be poured evenly along the entire length of the hopper so that two subsamples of different weight shall be produced;

(*q*) the procedures set out in sub-paragraphs (*o*) and (*p*), when repeated, constitute the process of continuous halving, and shall be repeated using whichever subsample is appropriate until sufficient seed is obtained in one pan, which when added to the seed set aside in accordance with sub-paragraph (*n*) produces a submitted sample of at least the appropriate minimum weight prescribed in Part II.

Obtaining more than one submitted sample

(*r*) Two submitted samples shall be obtained from a composite sample by first obtaining a sample of at least twice the appropriate minimum weight prescribed in Part II for a submitted sample, using the procedures set out in sub-paragraphs (*c*) to (*g*) and (*h*) to (*q*) as appropriate, and then dividing it into two parts by passing it once through the divider;

(*s*) where three submitted samples are required from one composite sample, one sample of at least the appropriate minimum weight prescribed in Part II for a submitted sample shall be extracted using the procedures set out in sub-paragraphs (*c*) to (*g*) and (*h*) to (*q*) as appropriate. All portions of seed which have been set aside shall then be recombined and the residue of the composite sample so obtained shall be subject to the procedure set out in sub-paragraph (*r*).

(2) A centrifugal divider shall be used in accordance with the procedures set out in sub-paragraphs (*a*) to (*u*), that is to say—

(*a*) the divider shall be levelled prior to use;

(*b*) the divider and pans shall be clean.

Sample mixing

(*c*) An empty pan shall be placed under each spout of the divider;

(*d*) the entire composite sample shall be poured into the centre of the hopper;

(*e*) the motor shall be operated so that the seed passes into the pans;

(*f*) the motor shall be switched off;

(*g*) the two pans containing seed shall be removed and replaced by empty ones;

(*h*) the contents of both pans removed in accordance with sub-paragraph (*g*) shall be poured together into the centre of the hopper, the seed being allowed to blend as it flows in. The procedure set out in sub-paragraphs (*e*), (*f*) and (*g*) shall be repeated;

(*i*) the procedure set out in sub-paragraph (*h*) shall be repeated to mix the sample thoroughly.

Sample reduction

(*j*) Before reduction, the composite sample shall have been thoroughly mixed using the procedures set out in sub-paragraphs (*c*) to (*i*). The contents of one of the two receiving pans shall then be set aside. If the seed in the second pan is of at least the minimum weight prescribed in Part II for a submitted sample of a particular kind of seed, it may be used as the submitted sample. If the weight of seed in the second pan is greater than the appropriate minimum weight prescribed in Part II for a submitted sample it may be reduced using the procedures set out in sub-paragraphs (*k*) to (*m*);

(*k*) empty pans shall be placed under the spouts;

(*l*) the contents of the second pan shall be poured into the hopper and the procedures set out in sub-paragraphs (*e*) and (*f*) shall be repeated;

(*m*) the contents of one of the two pans into which the seed has passed shall then be set aside. If the weight of seed in the other pan is still greater than the appropriate minimum weight prescribed in Part II for a submitted sample, it may be used as the submitted sample or it may be reduced further using the procedures set out in sub-paragraphs (*k*), (*l*) and this sub-paragraph;

(*n*) if the weight of seed in either of the two pans mentioned in sub-paragraphs (*j*) or (*m*) is less than the appropriate minimum weight prescribed in Part II for a submitted sample, the procedures set out in sub-paragraphs (*o*) to (*s*) shall be used;

(*o*) empty pans shall be placed under the spouts;

(*p*) the contents of one of the pans shall be set aside. The contents of the other pan shall be poured into the centre of the hopper and the procedures set out in sub-paragraphs (*e*) and (*f*) shall be repeated;

(*q*) one receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place;

(*r*) the contents of the pan removed in accordance with sub-paragraph (*q*) shall be poured into the centre of the hopper and procedures set out in sub-paragraphs (*e*) and (*f*) shall be repeated so that two subsamples of different weight shall be produced;

(*s*) the procedures set out in sub-paragraphs (*q*) and (*r*), when repeated, constitute the process of continuous halving, and shall be repeated using whichever subsample is appropriate until sufficient seed is obtained in one pan, which when added to the seed set aside in accordance with sub-paragraph (*p*), produces a submitted sample of at least the appropriate minimum weight prescribed in Part II.

Obtaining more than one submitted sample

(*t*) Two submitted samples shall be obtained from a composite sample by first obtaining a sample of at least twice the appropriate minimum weight

prescribed in Part II for a submitted sample, using the procedures set out in sub-paragraphs (*c*) to (*i*) and (*j*) to (*s*) as appropriate, and then dividing it into two parts by passing it once through the divider;

(*u*) where three submitted samples are required from one composite sample, one sample, of at least the appropriate minimum weight prescribed in Part II for a submitted sample, shall be extracted using the procedures set out in sub-paragraphs (*c*) to (*i*) and (*j*) to (*s*) as appropriate. All portions of seed which have been set aside shall then be recombined and the residue of the composite sample so obtained shall be subject to the procedure set out in sub-paragraph (*t*).

Discretion of the Department in relation to instruments or methods

15. Where it is not practicable to use one of the instruments or methods described in paragraphs 10 to 14 such other instruments or methods as the Department may approve may be used.

PART II

MAXIMUM WEIGHT OF A SEED LOT AND MINIMUM WEIGHT OF A SUBMITTED SAMPLE

The maximum weight of a seed lot shall be the appropriate weight specified in sub-paragraph (*a*),(*b*) or (*c*) (or a weight which does not exceed such weight by more than 5 per cent) and the minimum weight of a submitted sample shall be the appropriate weight specified in sub-paragraph (*d*) or (*e*).

(*a*) The maximum weight of a seed lot shall be 20 tonnes for the following kinds of seeds—

White lupin	Hungarian vetch	Field pea
Narrow-leaved lupin (Blue lupin)	Common vetch	Field bean
Yellow lupin	Hairy vetch	

(*b*) The maximum weight of a seed lot for all other kinds shall be 10 tonnes.

(*c*) The maximum weight of a seed lot of a mixture of seeds to which regulation 5(2) applies shall be 10 tonnes, except that, where more than 50% of the mixture consists of kinds of seeds mentioned in sub-paragraph (*a*) such maximum weight shall be 20 tonnes.

(*d*) The minimum weight of a submitted sample shall be 1,000 g except that for white lupin, narrow-leaved lupin, (blue lupin), yellow lupin, field pea and field bean the minimum weight shall be, for Breeder's Seed, Pre-basic Seed and Basic Seed — 3,000 g and for Certified Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation shall be 2,000 g.

(*e*) For all other kinds of seeds and the minimum weight of a submitted sample shall be as set out in the Table—

TABLE

Kinds of Seeds	Minimum weight of submitted sample (*g*)	
	Breeder's Seed, Pre-basic Seed and Basic Seed	All other Categories
Velvet bent	150	50
Red top	150	50
Creeping bent	150	50
Brown top	150	50
Tall oatgrass	300	200
Rescue grass	300	200
Alaska brome-grass	300	200
Cocksfoot	300	200
Fescues	300	200
Festulolium	200	200
Ryegrass	300	200
Timothy	200	100
Meadowgrasses	150	50
Birdsfoot trefoil	300	200
Trefoil	300	300
Lucerne	300	300
Sainfoin-fruit	600	600
Sainfoin-seed	400	400
Alsike clover	300	200
Red clover	300	300
White clover	300	200
Swede	300	200
Fodder kale	300	200
Fodder radish	300	300

SCHEDULE 6 Regulations 5(3) and (16) and 9(2), (4), (5), (6), (7), (8), (9) and (12)

THE PARTICULARS PRESCRIBED AS TO THE KIND AND VARIETY OF SEED SHALL BE INDICATED ON THE LABEL IN ROMAN CHARACTERS. THE KIND OF SEED SHALL BE DESIGNATED BY ITS LATIN NAME, AS PRESCRIBED IN SCHEDULE 1

PART I

SECTION A

OFFICIAL LABEL FOR A PACKAGE OF BREEDER'S SEED

(*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
8. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seed and the total weight.

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

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

SECTION B

OFFICIAL LABEL FOR A PACKAGE OF PRE-BASIC SEED

(*a*) Prescribed contents

1. Certifying Authority and member State or their mark
2. Reference number of the lot
3. Month and year when officially sealed
4. Kind
5. Variety
6. "Pre-basic Seed"
7. Country of production
8. Declared net or gross weight or declared number of seeds
9. Where weight is indicated and granulated pesticides, pelleting substances 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

10. Number of generations preceding seed of the categories "Certified Seed" or "Certified Seed 1st Generation".

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

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

SECTION C

OFFICIAL LABEL FOR A PACKAGE OF BASIC SEED, CERTIFIED SEED, CERTIFIED SEED OF THE FIRST GENERATION OR CERTIFIED SEED 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
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, pelleting substances 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 Certified Seed of the Second Generation and subsequent generations from Basic Seed: number of generations from Basic Seed
12. For seeds of grass varieties, in respect of which no official examination of their value for cultivation and use has been carried out: "Not intended for fodder production".

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

(*c*) 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.

SECTION D

OFFICIAL LABEL FOR A PACKAGE OF COMMERCIAL SEED

(*a*) Prescribed contents

1. "EEC rules and standards"
2. "Commercial Seed (not certified as to variety)"
3. Authority responsible for sealing and member State or their mark
4. Reference number of lot
5. Month and year when officially sealed
6. Kind (for lupins, it shall be stated whether they are bitter or sweet)
7. Country of production (or region of production within a country)

8. Declared net or gross weight or declared number of seeds
9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seed and the total weight.

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

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

SECTION E

OFFICIAL LABEL FOR A PACKAGE OF A MIXTURE OF SEEDS

(*a*) Prescribed contents

1. "Seed mixture for ....." (intended use)
2. Authority responsible for sealing and member State or their mark
3. Reference number of the lot
4. Month and year when officially sealed
5. Proprietary name of the mixture or kinds of the constituents
6. Declared net or gross weight or declared number of seeds
7. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seeds and the total weight.

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

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

SECTION F

FURTHER PARTICULARS TO BE GIVEN IN RESPECT OF MIXTURES OF SEEDS — OTHER THAN A MIXTURE IN A SMALL PACKAGE OF SEEDS NOT INTENDED FOR USE FOR AGRICULTURAL PURPOSES

For each constituent:—

1. Kind
2. Category
3. Variety (except for Commercial Seed)
4. Proportion by weight of the mixture.

SECTION G

OFFICIAL LABEL FOR A PACKAGE OF SEED NOT FINALLY CERTIFIED

(*a*) Prescribed contents of the label

1. Certifying Authority
2. Kind
3. Variety

4. Category
5. Crop Identity Number
6. Declared net or gross weight in tonnes
7. The words "seed not finally certified".

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

(*c*) Information required for the document

1. Certifying Authority
2. Kind
3. Variety
4. Category
5. Seed Lot Reference Number (UK) or Reference Number (other than UK) of the seed used to sow the field and name of the country which certified that seed
6. Crop Identity Number
7. Area in hectares cultivated for the production of the lot covered by the document
8. Quantity of seed harvested and number of packages
9. In the case of certified seed, the number of generations after basic seed
10. Attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled
11. Where appropriate, results of a preliminary seed analysis.

PART II

SMALL PACKAGES

SECTION A

SUPPLIER'S LABEL FOR A SMALL PACKAGE OF PRE-BASIC OR BASIC SEED

(*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
6. Category
7. Declared net or gross weight or declared number of seeds except in the case of packages not exceeding 15 grams net weight
8. "Passed for marketing in the United Kingdom only".

(*b*) The label shall be coloured white with a diagonal violet line for Pre-basic Seed, and white for Basic Seed.

SECTION B

SUPPLIER'S LABEL FOR A SMALL PACKAGE OF A MIXTURE OF SEEDS INTENDED FOR USE FOR AGRICULTURAL PURPOSES

(*a*) Prescribed contents

1. "Seed mixture for agricultural use"
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 of the constituents
5. Declared net weight
6. "Passed for marketing in the United Kingdom only".

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

SECTION C

SUPPLIER'S LABEL FOR A SMALL EEC 'A' PACKAGE OF A MIXTURE OF SEEDS NOT INTENDED FOR AGRICULTURAL PURPOSES

(*a*) Prescribed contents

1. "Small EEC 'A' package"
2. Name and address of supplier responsible for affixing the label or his identification mark
3. Member State or its identification mark, ie "packed in UK"
4. Reference number of the lot
5. "Seed mixture for ....." (intended use)
6. Net or gross weight or declared number of seeds except in the case of packages not exceeding 15 grams net weight
7. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seeds and the total weight
8. Proportion by weight of the various constituents shown by kinds and where appropriate by variety
9. "With ryegrass" or "without ryegrass".

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

SECTION D

SUPPLIER'S LABEL FOR A SMALL EEC 'B' PACKAGE OF CERTIFIED OR COMMERCIAL SEED OTHER THAN A MIXTURE

(*a*) Prescribed contents

1. "Small EEC 'B' package"
2. Name and address of supplier responsible for affixing the label or his identification mark
3. Officially assigned serial number

4. Member State or its identification mark, ie "packed in UK"
5. Reference number of the lot
6. Kind (for lupins, it shall be stated whether they are bitter or sweet)
7. Variety (if appropriate)
8. Category
9. Net or gross weight or number of seeds except in the case of packages not exceeding 15 grams net weight
10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seeds and the total weight.

(*b*) The label shall be coloured blue for Certified Seed and Certified Seed of the First Generation, red for Certified Seed of subsequent generations and brown for Commercial Seed.

SECTION E

SUPPLIER'S LABEL FOR A SMALL EEC 'B' PACKAGE OF A MIXTURE OF SEEDS NOT INTENDED FOR AGRICULTURAL PURPOSES

(*a*) Prescribed contents

1. "Small EEC 'B' package"
2. Name and address of supplier responsible for affixing the label or his identification mark
3. Officially assigned serial number
4. Member State or its identification mark, ie "packed in UK"
5. Reference number of the lot
6. "Seed mixture for ....." (intended use)
7. Net or gross weight or declared number of seeds except in the case of packages not exceeding 15 grams net weight
8. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of seeds and the total weight
9. Proportion by weight of the various constituents shown by kinds and where appropriate by variety
10. "With ryegrass" or "without ryegrass".

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

PART III

SECTION 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.

SECTION B

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

1. Proprietary name of the mixture or kinds and proportion by weight of the constituents
2. "Seed mixture for....." (intended use)
3. "With ryegrass" or "without ryegrass".

PART IV

PRINTING OF SPECIFIED MATTERS ON PACKAGES
(whole-bag labelling)

Seeds which have not been imported

1. The printing or stamping of the packages shall be under the supervision and in accordance with the instructions of the Department.

2. Each package shall have printed or stamped on it, or be perforated with, an individual serial number allocated by the Department, which shall appear in the same panel as the particulars specified in Part I.

3. Arrangements shall be made with the printer for returns to be made to the Department of the number of packages printed or stamped pursuant to regulation 9(6) and of the individual serial numbers of such packages.

4. The reference number of the seed lot and the month and year in which the package was officially sealed shall be printed or stamped under the supervision of the Department at the time of sampling for official examination.

5. Each package of seed marketed in accordance with regulation 5(5) shall be capable of having affixed to it, a supplier's label containing a statement pursuant to regulation 9(3).

Seeds imported from Great Britain

With respect to seeds imported from Great Britain it shall be sufficient compliance with this Part if the requirements of Part IV of Schedule 6 to the Fodder Plant Seeds Regulations 1993(**a**) are satisfied.

Seeds imported from another member State

With respect to seeds imported from a member State other than the United Kingdom, such requirements of that member State from which the seeds have been imported as correspond to the requirements specified in this Part for seeds which have not been so imported shall, in the opinion of the Department, have been satisfied.

(**a**) S.I. 1993/2009 as amended by S.I. 1993/2529

SCHEDULE 7 Regulation 9(12)

Maximum weight for retail sales of unpacketed seeds

Velvet bent Red top Creeping bent Brown top Tall oatgrass Cocksfoot Tall fescue Sheep's fescue, Fine-leaved Sheep's fescue, Hard fescue Meadow fescue Red fescue, Chewings fescue Italian ryegrass (including Westerwolds ryegrass) Perennial ryegrass Hybrid ryegrass Timothy, Small timothy Annual meadowgrass Wood meadowgrass Smooth-stalked meadowgrass Rough-stalked meadowgrass Birdsfoot trefoil White lupin Narrow-leaved lupin (Blue lupin) Yellow lupin Trefoil, Black medick Lucerne Sainfoin Alsike clover Red clover White clover Hungarian vetch Common vetch Hairy vetch Swede Fodder kale Fodder radish	2 kg
Field pea Field bean	3 kg
Mixtures	7 kg

SCHEDULE 8 Regulation 10(2)

LIMITS OF VARIATION

PART I

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

PART II

ANALYTICAL PURITY — (*a*) grasses

Minimum percentage of analytical purity	Limit of variation
per cent	per cent
99.9–100	0.2
99.7–99.8	0.4
99.5–99.6	0.5
99.3–99.4	0.6
99.0–99.2	0.7
98.8–98.9	0.8
98.3–98.7	0.9
98.0–98.2	1.0
97.5–97.9	1.1
97.0–97.4	1.2
96.5–96.9	1.3
96.0–96.4	1.4
95.0–95.9	1.5
94.0–94.9	1.6
93.0–93.9	1.7

92.0–92.9	1.9
91.0–91.9	2.0
90.0–90.9	2.1
88.0–89.9	2.2
86.0-87.9	2.4
84.0–85.9	2.5
82.0–83.9	2.6
80.0–81.9	2.8

ANALYTICAL PURITY — (*b*) legumes and crucifers

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
94.0–94.9	1.4
93.0–93.9	1.5
92.0–92.9	1.6
91.0–91.9	1.7
90.0–90.9	1.8

PART III

CONTENTS OF SEEDS OF OTHER SPECIES IN GRASSES

Maximum seeds	Limit of variation
per cent	per cent
0.0	0.2
0.1	0.3
0.2	0.4
0.3–0.4	0.5
0.5–0.6	0.6
0.7–0.9	0.7
1.0–1.2	0.8
1.3–1.7	0.9
1.8–1.9	1.0
2.0–2.4	1.1
2.5-2.9	1.2
3.0–3.4	1.3
3.5–3.9	1.4
4.0–4.9	1.5
5.0	1.6

PART IV

CONTENT OF SEEDS OF OTHER SPECIES OR VARIETIES IN LEGUMES AND CRUCIFERS

Maximum seeds	Limit of variation
per cent	per cent
0.1–0.2	0.3
0.3–0.4	0.4
0.5–0.6	0.5
0.7–0.9	0.6
1.0–1.4	0.7
1.5–1.7	0.8
1.8–2.4	0.9
2.5–2.9	1.0
3.0–3.4	1.1
3.5–4.4	1.2
4.5–4.9	1.3
5.0–5.9	1.4

6.0–6.9	1.5
7.0–7.9	1.6
8.0–8.9	1.7
9.0–9.9	1.8
10.0	1.9

PART V

NUMBER OF SEEDS OF OTHER SPECIES

Maximum number of seeds	Limit of variation
Number	Number
0	1
1	3
2	4
3–4	5
5–6	6
7–8	7
9–11	8
12–14	9
15–17	10
18–21	11
22–25	12
26–29	13
30–34	14
35–40	15
41–45	16
46–51	17
52–57	18
58–64	19
65–71	20
72-79	21
80–87	22
88–95	23
96–100	24

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the provisions of the Fodder Plant Seeds Regulations (Northern Ireland) 1976 and the Fodder Plant Seeds (Amendment) Regulations (Northern Ireland) 1977.

These Regulations, which come into operation on 22nd August 1994, continue to restrict the marketing in Northern Ireland of seeds of fodder to specified categories meeting prescribed standards (regulations 3(2), 5(1) and Schedule 4). Such seeds must be sold in sealed packages labelled or marked with prescribed particulars (regulations 8 and 9 and Schedule 6) and tampering with labels prescribed by regulations is an offence (regulation 9(14)).

The Regulations also continue to make provision for the taking of samples for the verification of standards (regulation 7 and Schedule 5) and provide that certain particulars stated or implied on a package of seeds are deemed to constitute a statutory warranty by the seller for the protection of the purchaser for the purpose of Section 4 of the Seeds Act (Northern Ireland) 1965 (regulation 10(1)).

The Regulations incorporate a provision, required under Council Directive 88/380/EEC (O.J. No. L187, 16.7.88, p. 31), relating to the marketing to other member States of seed in respect of which an official certificate has not been issued (regulation 5(16) and Schedule 6 Part I Section G).

The Regulations implement as respects Northern Ireland Council Directive 66/401/EEC (O.J. No. L125, 11.7.66, p. 2298) (O.J./S.E. 1965–66, p. 132) on the marketing of fodder plant seed as amended by Council Directive 88/380/EEC (O.J. No L187, 16.7.88, p. 31) and Commission Directive 92/19/EEC (O.J. No L104, 22.4.92, p. 61).