STATUTORY INSTRUMENTS

1974 No. 899

SEEDS

The Oil and Fibre Plant Seeds Regulations 1974

Made - - - -	*22nd May* 1974
Laid before Parliament	*7th June* 1974
Coming into Operation	*1st July* 1974

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers vested in them by sections 16(1), (1A), (2), (3), (4), (5) and (8), 17(1), (2), (3) and (4), 18(1), 24(5), 26(2) and (3) and 36 of the Plant Varieties and Seeds Act 1964**(a)** as amended by section 4(1) of and paragraph 5(1), (2) and (3) of Schedule 4 to the European Communities Act 1972**(b)** and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned, hereby make the following Regulations.

Application, citation and commencement

1. These Regulations, which apply to Great Britain, may be cited as the Oil and Fibre Plant Seeds Regulations 1974 and shall come into operation on the 1st July 1974.

Interpretation

2.—(1) A reference in these Regulations to a numbered Regulation or Schedule shall be construed as a reference to the Regulation or Schedule bearing that number in these Regulations.

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

"the Act" means the Plant Varieties and Seeds Act 1964 as amended by section 4(1) of and Schedule 4 to the European Communities Act 1972;

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

"maintainer" means a person who is indicated in a National List or in the Common Catalogue as responsible for the maintenance of the particular oil or fibre plant variety;

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

(a) 1964 c. 14. **(b)** 1972 c. 68.

(*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 or for industrial use,

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

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

"the Minister" means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State, and "Ministers" means the said two Ministers acting jointly;

"National List" means a list of varieties of kinds of oleaginous and fibrous plants published in accordance with The Seeds (National Lists of Varieties) Regulations 1973(**a**);

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

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

"pure" in relation to seeds means wholly comprised of seeds of the kind of which the seeds purport to be;

"small package" means a package of basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation, certified seeds of the third generation or of commercial seeds, containing no more than a net weight of 15 kilograms of seeds.

(3) In these Regulations in relation to the categories of seeds referred to therein—

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

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

(*b*) which are intended for the production of pre-basic seeds, uncertified pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or, as regards flax and linseed, certified seeds of the third generation, and

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

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

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

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

(a) S.I. 1973/994 (1973 II, p. 3024).

"basic seeds" means seeds—

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

(*b*) which are intended for the production of certified seeds or certified seeds of the first generation, certified seeds of the second generation or, as regards flax and linseed, certified seeds of the third generation, and

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

"certified seeds" means seeds of turnip rape, swede rape, brown mustard, black mustard, white mustard, or sunflower—

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

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

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

"certified seeds of the first generation" means seeds of soya bean, flax or linseed—

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

(*b*) which are intended to be used mainly for the production of plants or parts of plants for human or animal consumption or for industrial use or for the production of certified seeds of the second generation or, as regards flax and linseed, certified seeds of the third generation, and

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

"certified seeds of the second generation" means seeds of soya bean, flax or linseed—

(*a*) which have been produced directly from basic seeds, certified seeds of the first generation or, with the approval of the maintainer, from pre-basic seeds,

(*b*) which are intended to be used mainly for the production of plants or parts of plants for human, or animal consumption or for industrial use or, as regards flax and linseed, for the production of certified seeds of the third generation, and

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

"certified seeds of the third generation" means seeds of flax or linseed—

(*a*) which have been produced directly from basic seeds, certified seeds of the first generation or certified seeds of the second generation or, with the approval of the maintainer, from pre-basic seeds,

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

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

"commercial seeds" means seeds of brown mustard, black mustard, white mustard or soya bean—

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

(*b*) which satisfy the requirements for commercial seed set out in Schedule 2 and which have on an official examination been found to satisfy these requirements;

(4) The Interpretation Act 1889**(a)** shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Seeds to which the Regulations apply

3.—(1) Subject to paragraph (2) of this Regulation these Regulations apply to oil and fibre plant seeds of the kinds set out in Schedule 1 to these Regulations being seeds intended to be used only for the production of agricultural or horticultural crops other than for ornamental 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, provided that the identity of the seeds is stated by the person by whom they are marketed.

Marketing of seeds

4.—(1) (*a*) Subject to the provisions of this Regulation no person shall market any seeds which have been produced in a Member State unless they are pre-basic seeds, uncertified pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation, certified seeds of the third generation or commercial seeds;

(*b*) Sub-paragraph (*a*) of this paragraph shall not take effect until the 1st July 1976 in relation to seeds other than pre-basic seeds, uncertified pre-basic seeds or basic seeds where such seeds satisfy the requirements set out in Part II of Schedule 2 relating to certified seeds, certified seeds of the second generation or, in the case of brown mustard, black mustard, white mustard and soya bean, relating to commercial seeds and where such seeds are marketed after the 30th September 1974 they shall have, on an official examination, been shown to satisfy these requirements.

(2) No person shall market any seeds which have been produced elsewhere than in a Member State unless they are—

(a) 1889 c. 63.

(*a*) seeds marketed before the 1st July 1976, not being pre-basic seeds, uncertified pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation, certified seeds of the third generation or commercial seeds;

or unless they are—

(*b*) pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation, certified seeds of the third generation or commercial seeds marketed in accordance with and subject to the conditions imposed by a general licence granted by the Ministers:

provided that seeds marketed in accordance with sub-paragraph (*a*) of this paragraph shall satisfy the requirements set out in Part II of Schedule 2 relating to certified seeds, certified seeds of the second generation or, in the case of brown mustard, black mustard, white mustard and soya bean, relating to commercial seeds and, where such seeds are marketed after the 30th September 1974, they shall have on an official examination, been shown to satisfy these requirements.

(3) The Minister may, by a general licence taking effect during a period specified in the licence and subject to any conditions imposed by the licence, authorise any person to market as pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation, certified seeds of the third generation, commercial seeds or as seeds marketed in accordance with paragraph (1)(*b*) or (2)(*a*) of this Regulation, seeds which fail in some respect to satisfy the requirements for such seeds set out in Schedule 2 or to market seeds which, notwithstanding the requirements of The Seeds (National Lists of Varieties) Regulations 1973, are of a variety not entered in a National List or in the Common Catalogue: provided that in all other respects unless expressly otherwise provided the provisions of these Regulations shall apply in relation to the marketing of the seeds.

(4) Notwithstanding the requirement in Schedule 2 that basic seeds shall attain the minimum standards of germination specified in the said Schedule any person may, subject to the requirements of paragraphs (2)(*b*) and (7) of Regulation 8, market as pre-basic seeds or basic seeds seeds, which in other respects satisfy the requirements for basic seeds set out in the said Schedule but which attain a lower percentage of germination than that specified in the said Schedule in relation to seeds of that kind.

(5) In a case where the official examination in respect of the germination of a proposed consignment of seeds has not been completed and the Minister has been informed of the name and address of the first consignee and provided with a provisional report in respect of such germination he may, if the seeds in other respects satisfy the appropriate requirements of Schedule 2, authorise the sale of the seeds as pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or certified seeds of the third generation or as commercial seeds, as the case may be, to the said consignee.

(6) Paragraphs (4) and (5) of this Regulation shall not apply to seeds which have been imported from a country other than a Member State unless they were produced directly from pre-basic seeds, basic seeds, certified seeds of the first generation or certified seeds of the second generation certified in a Member State.

(7) Notwithstanding the requirements of Regulation 31(1) and (2) of The Seeds (National Lists of Varieties) Regulations 1973 commercial seeds may be marketed

which are not of a variety which is entered in a National List or the Common Catalogue or which are marketed otherwise than under a varietal name.

Sampling

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

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

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

Certificates of taking and testing of a sample

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

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

Sealing of packages

7.—(1) No person shall market a package of pre-basic seeds or a package, other than a small package, of basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation, certified seeds of the third generation or of commercial seeds, unless it has been not later than at the time of sampling sealed by a person authorised by the Minister in that behalf with a sealing device (which may be an adhesive label) in such a manner that when the package is opened the sealing device will be broken and cannot be replaced.

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

(3) No person shall market a package of uncertified pre-basic seeds or a small package of seeds unless it has been sealed with a sealing device approved by the Minister in such a manner that when the package is opened the sealing device is broken and cannot be replaced.

Labelling of packages

8.—(1) Subject to paragraph (6) of this Regulation no person shall market any seeds except in a package which is labelled, inscribed or otherwise dealt with in accordance with this Regulation.

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

(*b*) If in accordance with Regulation 4(4) a person shall market basic seeds of a lower percentage of germination that than specified in Schedule 2 the fact shall be stated on the official label.

(3) A package, other than a small package, of basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or certified seeds of the third generation or of commercial seeds shall contain an official notice which shall be of the same colour as the official label and shall contain particulars of the matters specified in the items numbered, in the case of seeds other than commercial seeds, 4, 5 and 6 in Part I of Schedule 5 and, in the case of commercial seeds, 2, 5 and 6 in Part II of Schedule 5: provided that if such particulars are indelibly printed on the outside of the package or if the official label is an adhesive label the official notice referred to in this paragraph shall not be required.

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

(5) A person who markets a package of seeds in accordance with paragraph (1)(*b*) or (2)(*a*) of Regulation 4 shall, with the seeds or not later than 14 days after the sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing, on a label attached to the package, on the package itself or on an invoice or other document associated with the seeds, containing particulars of the matters relating to the seeds specified in Part VI of Schedule 5.

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

(7) If a person markets basic seeds in accordance with Regulation 4(4) or if the Minister shall have authorised the marketing of seeds in accordance with Regulation 4(5) a supplier's label affixed to the outside of the package shall contain a statement of the germination of the seeds together with the name and address of the seller and the reference number of the lot.

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

(9) If any seeds in a package have been subjected to any chemical treatment the fact that they have been so subjected and the nature of the treatment, or any proprietary name of the chemical employed, shall be stated—

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

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

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

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

Civil liabilities of sellers of seeds

9.—(1) The particulars given to a purchaser by the seller of pre-basic seeds, basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation or certified seeds of the third generation, whether given in pursuance of these Regulations expressly or by implication arising from the description under which the seeds are sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the percentage of germination, the percentage of analytical purity, the content of seeds of other plant kinds and the varietal purity of the seeds.

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

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

(4) A purchaser who intends to obtain a test of seeds for the purposes of section 17(3) of the Act shall, not more than 10 days after delivery to him of the seeds or the particulars prescribed in Regulation 8(5)(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 delivery of the seeds or 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) of this Regulation or, if the seller shall have failed to appoint such a day and time, on a day not more than 28 days after delivery of the seeds or of the said particulars (whichever is the later) to the purchaser, the purchaser may, and if the seller or his representative is present shall, take a sample of the seeds, such sample being taken in accordance with the procedure set out in Schedule 3, and shall divide the sample so taken into two parts, each being of the appropriate minimum weight specified in Schedule 3, of which one part shall be sent to the Chief Officer of an Official Seed Testing Station for the purpose of being tested and the other part delivered or tendered to the seller or his representative or, if he or his representative was not present when the sample was taken, sent to him by post.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st May 1974.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

22nd May 1974.

William Ross,
Secretary of State for Scotland.

Regulation 3(1)

SCHEDULE 1

KINDS OF SEEDS TO WHICH THE REGULATIONS APPLY

Latin Name	Common Name
Brassica campestris L. ssp. *oleifera* (Metzg.) Sinsk.	Turnip rape
Brassica juncea (L.) Czern. et Coss	Brown mustard
Brassica napus L. ssp. *oleifera* (Metzg.) Sinsk.	Swede rape
Brassica nigra (L.) W. Koch	Black mustard
Glycine max (L.) Merrill	Soya bean
Helianthus annuus L.	Sunflower
Linum usitatissimum L.	Flax, linseed
Sinapis alba L.	White mustard

Regulations 2(3), 4(1)(2) and (5)

SCHEDULE 2

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

PART I

CONDITIONS RELATING TO THE CROP FROM WHICH THE SEEDS, OTHER THAN COMMERCIAL SEEDS, ARE OBTAINED

1. So far as it can be ascertained at crop inspection, supplemented where appropriate by examination of a plot sown by the Minister with a sample from the seed lot sown in the field, the plants shall conform to the characteristics of the variety established when the variety was included in a National List or the Common Catalogue.

2. There shall be at least one official field inspection.

3. The cultural condition of the field and the stage of development of the crop shall be such that a sufficient check of identity and varietal purity can be carried out.

4. The field shall not have had previous cropping of a kind incompatible with the production of seeds of the species and variety of the crop.

5. The minimum distances from neighbouring crops of:

	Basic Seeds	Certified seeds
Turnip rape, brown mustard, swede rape, black mustard, sunflower and white mustard in relation to crops of other varieties or species liable to cross-pollinate with the seed crop shall be	400 metres	200 metres

These distances need not be observed if there is adequate protection against any undesirable foreign pollination.

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

7. The minimum varietal purity of the crop shall be:

Minimum varietal purity (percentage by number)	Basic seeds	Certified seeds of the first generation	Certified seeds of the second or third generation
Soya bean	97	95	95
Flax and linseed	99·7	98	97·5

PART II

CONDITIONS RELATING TO THE SEEDS

A. Basic seeds, certified seeds, certified seeds of the first generation, certified seeds of the second generation and certified seeds of the third generation.

1. The seeds shall possess adequate identity and the varietal purity specified in Part I.

2. The seeds shall have been shown on an official examination to comply with the following conditions:

(i) *Standards:*

	Minimum germination (percentage by number of pure seeds or pure pellets)	Minimum analytical purity (percentage by weight)	Maximum content of seeds of other plant kinds (percentage by weight)
1	2	3	4
Brassica species except for summer varieties	85	98	0·2
Brassica species, summer varieties	85	98	0·3
Soya bean			
(a) basic seeds	80	98	0·1
(b) certified seeds of the first generation and certified seeds of the second generation ...	80	98	0·1
Sunflower	85	98	0·2
Flax, linseed			
— Flax			
(a) basic seeds	92	99	0·1
(b) certified seeds of the first generation	92	99	0·1
(c) certified seeds of the second generation and certified seeds of the third generation ...	92	99	0·1
— Linseed			
(a) basic seeds	85	99	0·1
(b) certified seeds of the first generation	85	99	0·1
(c) certified seeds of the second generation and certified seeds of the third generation ...	85	99	0·1
White mustard	85	98	0·3

(ii) *Further requirements*

(a) The seeds of all species shall be free from *Avena fatua*, *A. ludoviciana* and *Cuscuta* (wild oat or dodder); however one seed of *Avena fatua*, *A. ludoviciana* or *Cuscuta* in a 100g sample shall not be considered as an impurity if a second sample of 200g is free from *Avena fatua*, *A. ludoviciana* or *Cuscuta*.

(b) There shall not be more than one seed of *Raphanus raphanistrum* (wild radish) in a 10g sample of either turnip rape, swede rape, black mustard, brown mustard, or white mustard.

(c) In turnip rape, swede rape, black mustard, brown mustard and white mustard the percentage by weight of *Sinapis arvensis* (charlock) seeds shall not exceed 0·2.

(d) The number of weed seeds in a sample of 500g of flax, linseed seed shall not exceed 35. Within the limit of this number there shall be no more than a total of 20 seeds of *Alopecurus myosuroides* (blackgrass) and of *Lolium remotum.*

(e) Seeds of flax, linseed must be free from *Orobanche* (broom rape); however one seed of *Orobanche* in a sample of 100 g shall not be considered as an impurity if a second sample of 200 g is free from *Orobanche.*

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

(a) In flax, linseed and sunflower the percentage by number of seeds contaminated by *Botrytis* disease shall not exceed 5.

(b) In flax, linseed the percentage by number of seeds contaminated by diseases other than *Botrytis* and in particular by *Ascochyta linicola, Collectotrichum lini* and *Fusarium* spp. shall not exceed 5.

(c) In sunflower and swede rape the percentage by weight of sclerotia of *Sclerotinia sclerotiorum* shall not exceed 0·1.

B. Commercial seeds.

The conditions set out in section A of this Part of this schedule, with the exception of that relating to minimum varietal purity, shall apply to commercial seeds.

Regulation 5(1) and (3) and 9(5)

SCHEDULE 3

Procedure for the Taking of Samples

1. Prior to sampling a seed lot shall be well mixed so as to be as uniform among its parts as is practicable.

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

Number of containers in the lot	*Minimum number of containers to be sampled*
1–5 (inclusive)	Each container, portions being taken from at least five positions
6–14 „	Not less than 5 containers
15–30 „	At least 1 container in 3
31–49 „	Not less than 10 containers
50 or more	At least one container in 5

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

3. For sampling seed lots in containers weighing less than 50 kg a 100 kg weight of seeds is taken as the basic unit. Containers are combined to form sampling units weighing a maximum of 100 kg (e.g. 5 containers each of 20 kg form 1 unit).

For sampling purposes each unit is regarded as one container and the sampling intensity prescribed above is used.

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

(a) SEEDS IN FULL CONTAINERS

Where the seeds are in sacks they shall be sampled at random and samples taken from either the top, middle or bottom of each selected sack. The position from which the seeds are taken shall be varied from sack to sack and seeds shall be taken from different horizontal positions. Wherever practicable, seeds shall be sampled with a metal spear, trier or probe with a solid point which shall be of sufficient length to reach beyond the middle of the sack when inserted from the side and shall have an overall aperture so placed that the instrument removes portions of seeds of equal volume from each part of the sack through which it travels. The instrument should be inserted into the sack in an upward direction at an angle of approximately 30° to the horizontal, with its aperture downwards until the aperture reaches the centre of the sack. It shall then be rotated so as to bring the aperture uppermost and withdrawn at once at a decreasing speed so that the quantity of seeds obtained from successive locations increases progressively from the centre to the side of the sack. Alternatively, a longer instrument should be inserted until the aperture reaches the farther side of the sack, rotated in the manner described above and then withdrawn at a uniform speed. A stick sampler may be used in place of the instrument above. It may be used horizontally or vertically. If the stick sampler has more than one aperture it must have transverse partitions so that each aperture opens into a separate compartment: it should be inserted diagonally into the sack in the closed position, then opened, gently agitated to allow it to fill completely, closed again, withdrawn and emptied.

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

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

(b) SEEDS IN A PARTLY FILLED CONTAINER

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

(c) SEEDS IN BULK

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

Size of the lot	*Number of positions to be sampled*
Up to 50 kg	Not less than 3
51 to 1,500 kg	„ „ „ 5
1,501 to 3,000 kg	At least 1 for each 300 kg
3,001 to 5,000 kg	Not less than 10
5,001 to 20,000 kg	At least 1 for each 500 kg

Sampling positions must be selected at random in both vertical and horizontal planes.

If the stick sampler has more than one aperture it shall have transverse partitions so that each aperture opens into a separate compartment.

(d) SEEDS IN A CLEANING, MIXING OR DRESSING MACHINE

Portions of seeds shall be drawn during the cleaning, mixing or dressing process so that the entire cross section of the seed stream is uniformly sampled at regular

intervals throughout the whole process. The frequency shall be at least as indicated in the table below:—

Size of lot	*Number of times to be sampled*
Up to 50 kg	Not less than 3
51 to 1,500 kg	„ „ „ 5
1,501 to 3,000 kg	At least 1 for each 300 kg
3,001 to 5,000 kg	Not less than 10
5,001 to 20,000 kg	At least 1 for each 500 kg

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

6. MAXIMUM WEIGHT OF A LOT AND MINIMUM WEIGHT OF A SAMPLE

	Maximum weight of lot	Minimum weight of sample
	tons	grams
1. Sunflower seed	20	500
2. Flax and linseed	10	1,000
3. Other kinds of seed	10	300

Regulation 6(1) and (2)

SCHEDULE 4

PART I

CERTIFICATE OF THE TAKING OF A SAMPLE OF SEEDS

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

PLANT VARIETIES AND SEEDS ACT 1964

THE OIL AND FIBRE PLANT SEEDS REGULATIONS 1974

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

on the premises of

Name .....

Address .....

.....

Kind .....

Variety .....

Category .....

Certificate or reference number .....

Date of sampling.....

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

I certify that in taking the sample referred to above I used the method of sampling prescribed in Schedule 3 to The Oil and Fibre Plant Seeds Regulations 1974.

(Signed) .....
Authorised by the Minister of Agriculture, Fisheries and Food/Secretary of State for the execution of the Act.

Date .....

PART II

CERTIFICATE OF THE RESULT OF A TEST OF SEEDS

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

PLANT VARIETIES AND SEEDS ACT 1964 Official Station No.....

THE OIL AND FIBRE PLANT SEEDS REGULATIONS 1974 Control Sample No.....

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

on the premises of (Name and Address)

Date received at Station..... Date of Sampling.....

Quantity sampled ..... Quantity represented.....

Description

Kind		Variety	
Reference		Category	

Results of tests

% Pure seed	% Inert matter	% Other crop seeds	% Weed seeds

% Sinapis arvensis	% Sclerotia of Sclerotinia

Inert matter
Other crop seeds
Weed seeds

Number of seeds in	100 g	Further 200 g
Avena fatua or A. ludoviciana		
Cuscuta Spp.		
Raphanus raphanistrum		

Germination [ ] %

REMARKS

Date..... Chief Officer

Regulation 8(2), (3), (4), (5) and (6)

SCHEDULE 5

PART I

OFFICIAL LABEL FOR A PACKAGE OF BASIC SEEDS, CERTIFIED SEEDS OR CERTIFIED SEED OF THE FIRST, SECOND OR THIRD GENERATIONS

(a) Prescribed contents

1. "EEC rules and standards"
2. Certifying Authority and Member State or their mark
3. Month and year of official sealing or resealing
4. Reference number of the lot
5. Kind
6. Variety
7. Category
8. Country of production
9. Declared net or gross weight or declared number of seeds

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

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

PART II

OFFICIAL LABEL FOR A PACKAGE OF COMMERCIAL SEEDS

(a) Prescribed contents

1. "EEC rules and standards"
2. "Commercial seed (not certified as to variety)"
3. Service responsible for sealing and Member State or their mark
4. Month and year of official sealing or resealing
5. Reference number of the lot
6. Kind
7. Country of production or Region of production within a country
8. Declared net or gross weight or declared number of seeds

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

(c) The label shall be coloured brown

PART III

OFFICIAL LABEL FOR A PACKAGE OF PRE-BASIC SEEDS

(a) Prescribed contents

1. Certifying Authority and Member State or their mark
2. Month and year of official sealing or resealing
3. Reference number of the lot

4. Kind
5. Variety
6. Specification "pre-basic seeds"
7. Declared net or gross weight or declared number of seeds
8. Number of generations preceding seeds of the categories "certified seeds" or "certified first generation seeds"

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

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

PART IV

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

(a) Prescribed contents

1. Name and address of the supplier responsible for fixing the labels or his identification mark
2. Reference number of the lot
3. Kind
4. Variety
5. Specification "uncertified pre-basic seeds"
6. Declared net or gross weight or declared number of seeds

(b) The label shall be coloured buff

PART V

SUPPLIER'S LABEL FOR A SMALL PACKAGE OF BASIC SEEDS, CERTIFIED SEEDS OR CERTIFIED SEEDS OF THE FIRST, SECOND OR THIRD GENERATIONS

(a) Prescribed contents

1. "EEC rules and standards"
2. Name and address of the supplier responsible for fixing the label or his identification mark
3. Reference number of the lot
4. Kind
5. Variety (if appropriate)
6. Category
7. Declared net weight or declared number of seeds

(b) The label shall be coloured white for basic seeds, blue for certified seeds and certified seeds of the first generation, red for certified seeds of the second and third generations and brown for commercial seeds.

PART VI

PARTICULARS TO BE GIVEN WITH A PACKAGE OF SEEDS SOLD IN ACCORDANCE WITH REGULATION 8(5)

1. Name and address of seller
2. "Complies with legal standards"

3. Kind
4. Variety or type, or variety and type, of the seeds or the words "variety and type not specified"
5. The country of production

PART VII

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

1. "Complies with legal standards"
2. Kind
3. Variety

Regulation 10(2)

SCHEDULE 6

LIMITS OF VARIATION

MINIMUM ANALYTICAL PURITY

MINIMUM PERCENTAGE OF ANALYTICAL PURITY PER CENT	LIMIT OF VARIATION 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

MINIMUM PERCENTAGE OF GERMINATION

MINIMUM PERCENTAGE OF GERMINATION PER CENT	LIMIT OF VARIATION PER CENT
99–100	2
97–98	3
94–96	4
91–93	5
87–90	6
82–86	7
76–81	8
70–75	9

SEEDS OF OTHER PLANT KINDS

MAXIMUM NUMBER OF SEEDS NUMBER	LIMIT OF VARIATION 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	15

SEEDS OF OTHER PLANT KINDS

MAXIMUM PERCENTAGE OF SEEDS PER CENT	LIMIT OF VARIATION PER CENT
0·0	0·1
0·1–0·2	0·3
0·3	0·4

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made under the Plant Varieties and Seeds Act 1964, as amended by the European Communities Act 1972. They regulate the marketing in Great Britain of seeds of oil and fibre plants, previously subject to regulations made under the Seeds Act 1920, such regulations being revoked by the Fodder Plant Seeds Regulations 1974 (S.I. 1974/897) which come into operation at the same time as these Regulations.

The Regulations are to be enforced in England and Wales by the Minister of Agriculture, Fisheries and Food and in Scotland by the Secretary of State. They apply to seeds of the kinds of oil and fibre plants which are set out in Schedule 1 to the Regulations except where they are seeds sold for delivery to countries not within the European Economic Communities, seeds used for research, experiment or selection processes or uncleaned seeds.

Seeds may be marketed only if they are of specified categories which attain the minimum standards prescribed by the Regulations. Provision is made for the sealing and labelling of the packages in which seeds are sold and for the taking of samples for verification and enforcement purposes. The Regulations also provide that sellers are deemed to warrant the correctness of certain particulars stated or implied on the sale of seeds.

Schedules to the Regulations include details of the standards to be attained by the different categories of seeds and the crops from which they are derived, of the procedure for the taking of samples and of the particulars to appear on labels on packages of seeds. Tampering with such labels will constitute an offence.

The Regulations give effect to Directive 69/208/EEC of the Council of the European Economic Community (O.J. No. L 169, L 169/3, 10.7.69 (O.J./S.E. 1969 Pt. II)) on the marketing of seed of oil and fibre plants.

SI 1974/899
ISBN 0-11-040899-3

