1961 No. 274 (S. 18)

SEEDS

The Seeds (Scotland) Regulations, 1961

Made - - - - 17*th February*, 1961

Laid before Parliament 24*th February*, 1961

Coming into Operation as provided in Regulation 1

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In exercise of the powers conferred upon me by section 7 of the Seeds Act, 1920(a), and of all other powers enabling me in that behalf and after consultation with representatives of the interests concerned and with the Forestry Commissioners, I hereby make the following Regulations:—

Citation and Commencement

1.—(1) These Regulations may be cited as the Seeds (Scotland) Regulations, 1961 and, except as provided in paragraph (2) of this Regulation, shall come into operation on the 1st day of August, 1961.

(2) The following Regulations shall come into operation on the 1st day of August, 1962,

(*a*) Regulation 4 so far as it relates to the kinds of seeds specified in Part II of the First Schedule to these Regulations; and

(*b*) Regulation 5 so far as it requires a statement delivered or displayed in compliance with section 1 of the Act to contain, in relation to herbage seeds, particulars of the presence of injurious and other weed seeds.

Revocation of Previous Regulations

2.—(1) The Seeds (Scotland) Regulations, 1922(b), the Seeds (Scotland) (Amendment) Regulations, 1944(c), and the Seeds (Scotland) Amendment Regulations, 1951(d), are hereby revoked.

(2) Section thirty-eight of the Interpretation Act, 1889(e), shall apply in relation to the said Regulations as if this Regulation were an Act of Parliament and as if the said Regulations were Acts of Parliament repealed by an Act of Parliament.

Interpretation

3.—(1) The Interpretation Act, 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

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

"the Act" means the Seeds Act, 1920;

"germination test" means a test made in accordance with the provisions of the Act to ascertain the germination of seeds;

"injurious weeds" means the weeds specified in the Fifth Schedule to these Regulations;

"percentage of germination" means the percentage by number of pure seeds which in the course of a germination test produce seedlings which have developed the structures which indicate the ability to produce mature plants under favourable conditions in the field;

"percentage of hard seeds" means the percentage by number of pure seeds which remain hard at the end of a germination test because they have not absorbed water;

"percentage of purity" means the percentage by weight of pure seeds as ascertained in a purity test;

"percentage of weed seeds" means the percentage by weight of weed seeds as ascertained in a purity test;

"prescribed declarable minimum percentage of germination" means, in relation to seeds of any kind specified in the Fourth Schedule to these Regulations, the percentage of germination stated in that Schedule in respect of those seeds;

(a) 10 & 11 Geo. 5. c. 54. (b) S.R. & O. 1922/866 (Rev. XX,p. 650: 1922,p. 971).
(c) S.R. & O. 1944/668 (Rev. XX,p. 661: 1944 I, p. 908).
(d) S.I. 1951/1007 (1951 II, p. 634). (e) 52 & 53 Vict. c. 63.

"prescribed declarable minimum percentage of purity" means, in relation to seeds of any kind specified in the Third Schedule to these Regulations, the percentage in purity stated in that Schedule in respect of those seeds;

"pure seeds" means whole seeds of the kind which the seeds purport to be, (including any such seeds which are immature, shrivelled, sprouted, cracked, insect-damaged, diseased or otherwise injured) and pieces of such seeds larger than one-half of the original size of the whole seed but excluding (i) in the case of seeds of legumes, crucifers, seeds or pieces of seeds from which the seed coat is entirely removed, (ii) in the case of grasses, empty glumes, sterile florets and seeds and pieces of seed without an obvious caryopsis containing endosperm and (iii) in the case of forest tree seeds, seed wings:

Provided that when applied to seeds of a kind which cannot be distinguished from seeds of other kinds by expert microscopic examination, the expression "pure seeds" when used in these Regulations shall not imply that the seeds are necessarily of the kind which they purport to be;

"purity test" means a test made in accordance with the provisions of the Act to ascertain the purity of seeds;

"weed seeds" means whole seeds or bulbils or pieces of seeds or of bulbils of any plants commonly regarded as weeds (including the seeds of plants of injurious weeds) and, without prejudice to the generality of the foregoing definition, of any plants specified in the Sixth Schedule to these Regulations.

Seeds to which the Seeds Act, 1920 applies

4. The Act shall apply to the kinds of seeds specified in the First Schedule to these Regulations. All hybrid forms of and derivatives from any of those kinds of seeds shall be deemed to be kinds of seeds included in the said Schedule notwithstanding that they may be generally known by a name not appearing therein.

Particulars to be Delivered on Sale of Seeds or Seed Potatoes

5.—(1) The particulars to be contained in the statement in writing required by subsection (1) of section 1 of the Act to be delivered to the purchaser on the sale of any seeds or seed potatoes or contained in the statement in writing required by subsection (2) of that section to be displayed on the exposure for sale of any seeds or seed potatoes, shall be, as regards the kinds of seeds referred to in Parts I and II of the Second Schedule to these Regulations, such particulars as are set out in the said Parts I and II in relation thereto and, as regards seed potatoes, such particulars as are set out in Part III of the said Second Schedule.

(2) None of the particulars as are set out in Part III of the said Second Schedule shall be taken to authorise the relaxation of any restrictions imposed by the Wart Disease of Potatoes (Scotland) Order of 1941(a) as read with the Wart Disease of Potatoes (General Licence) (Scotland) Order, 1954(b).

Limits of Variation

6.—(1) For the purposes of subsection (1) of section 6 and subsection (2) of section 8 of the Act the limits of variation from the percentages of purity and germination appearing in the particulars contained in the statement delivered or displayed in pursuance of the Act shall be as set out respectively in Parts I and II of the Seventh Schedule to these Regulations.

(a) S.R. & O. 1941/1587 (Rev. V, p. 807: 1941 I, p. 223).
(b) S.I. 1954/235 (1954 II, p. 1772).

(2) The percentage of hard seeds stated in accordance with a requirement in the Second Schedule to these Regulations shall not be deemed to be untrue if it does not differ from the percentage of hard seeds present by more than the limit of variation set out in Part III of the Seventh Schedule to these Regulations.

(3) The percentage of weed seeds stated in accordance with a requirement in the Second Schedule to these Regulations shall not be deemed to be untrue if it does not differ from the percentage of weed seeds present by more than the limit of variation set out in Part IV of the Seventh Schedule to these Regulations.

(4) The number of seeds of any of the injurious weeds stated in accordance with a requirement in the Second Schedule to these Regulations shall not be deemed to be untrue if it does not differ from the number of seeds of those injurious weeds, as ascertained on a further test made at an official seed testing station, by more than the limit of variation set out in Part V of the Seventh Schedule to these Regulations.

Sampling

7.—(1) For the purpose of a test of seeds to ascertain any particulars to be given in compliance with the requirements of section 1 of the Act and for the purposes of subsection (1) of section 4 and subsection (2) of section 6 of the Act a sample of seeds shall be taken and dealt with in accordance with Part I of the Eighth Schedule to these Regulations.

(2) A sample of seed potatoes for the purposes of the Act shall be taken in accordance with Part II of the Eighth Schedule to these Regulations.

(3) A sample of seeds taken for the purposes of subsection (2) of section 6 of the Act which has been taken in any manner in the presence of, and has been marked by, the seller or his agent shall be deemed to have been duly taken in accordance with these Regulations.

Certificate of the Result of a Test of Seeds

8.—(1) A certificate of the result of a test of a sample sent to the official testing station in accordance with section 4 of the Act shall be in the form set out in the Ninth Schedule to these Regulations.

(2) Every such certificate shall be sent to the Secretary of State and a copy thereof shall be sent by the Secretary of State to the owner of the seeds.

Licences

9. A licence granted under subsection (7) of section 1 of the Act exempting any person from compliance with the requirements of the said section as respects any sale or any exposure for sale of seeds or seed potatoes may be granted in any case where the Secretary of State is satisfied that the circumstances connected with the sale or exposure for sale are such that compliance with the provisions of section 1 of the Act, either generally or in a particular respect, cannot reasonably be enforced and that an exemption should be granted so as to apply either generally to all persons or to a particular person and either as regards all the provisions of the said section 1 or any of those provisions and, in any case, subject to any conditions which may be specified in the licence.

Dated this 17th day of February, 1961.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE (Regulation 4)

The Kinds of Seeds to which the Seeds Act, 1920 applies

PART I

(Coming into operation on the 1st August, 1961)

Herbage Seeds of the following kinds:

Perennial ryegrass	Crested dogstail	Crimson clover
Italian ryegrass	Red clover	Trefoil
Meadow fescue	Alsike clover	Lucerne
Timothy	White clover	Sainfoin
Cocksfoot		

Cereal Seeds of the following kinds:

Wheat	Barley	Oats	Rye

Field Seeds of the following kinds:

Tares and vetches	Flax	Linseed

Root and Vegetable Seeds of the following kinds:

Field bean	Mangel	Kale (including thousand head, marrow stem, garden kale and borecole)
Broad bean	Swede	
Dwarf bean (including climbing French or pole bean)	Turnip	Cabbage
	Parsnip	Cauliflower (including Winter and Spring heading forms commonly known as broccoli)
	Carrot	
Runner bean	Onion	
Field pea	Rape or cole (including fodder and oil rapes)	Sprouting broccoli (including calabrese)
Garden pea		
Beetroot	Kohl rabi	Brussels sprout
Sugar beet	Hungry gap kale	

Forest Tree Seeds of the following kinds:

English Name	*Current Name*	*Common synonym*
Coniferous Species		
Silver fir	*Abies alba* Mill.	*Abies pectinata* DC.
Grand fir	*Abies grandis* Lindl.	—
Noble fir	*Abies nobilis* Lindl.	*Abies procera* Rehder.
Lawson cypress	*Chamaecyparis lawsoniana* (A. Murray) *Parl.*	—
Monterey cypress	*Cupressus macrocarpa* Gord.	—
European larch	*Larix decidua* Mill.	*Larix europaea* DC.
Japanese larch	*Larix leptolepis* (Sieb. & Zucc.) Gord.	—
Hybrid larch	*Larix X eurolepis* Henry	—
Norway spruce	*Picea abies* (L) Karst.	*Picea excelsa* Link.
Serbian spruce	*Picea omorika* Purkyne	—

English Name	*Current Name*	*Common synonym*
Coniferous Species (cont.)		
Sitka spruce	*Picea sitchensis* (Bongard) Carr.	—
Lodgepole pine	*Pinus contorta* Loud.	—
Mountain pine	*Pinus mugo* Turra	*Pinus montana* Mill.
Austrian pine	*Pinus nigra* var. *austriaca* (Hoess) Asch. and Graeb.	*Pinus laricio* var. *austriaca* (Hoess) Loud.
Corsican pine	*Pinus nigra* var. *calabrica* (Loudon) Schneider	*Pinus laricio* var. *poiretiana* (Antoine) Asch. & Graeb.
Monterey pine	*Pinus radiata* D. Don.	*Pinus insignis* Dougl.
Scots pine	*Pinus sylvestris* L.	—
Douglas fir	*Pseudotsuga taxifolia* (Poiret) Britt.	*Pseudotsuga douglasii* Carr.
Wellingtonia	*Sequoiadendron giganteum* (Lindl.) Buch.	*Sequoia gigantea* (Lindl.) Decaisne.
Redwood	*Sequoia sempervirens* (Lamb.) Endl.	—
Western hemlock	*Tsuga heterophylla* (Rafinesque) Sarg.	—
Western red cedar	*Thuja plicata* Lamb.	—
Broadleaved Species		
Norway maple	*Acer platanoides* L.	—
Sycamore	*Acer pseudoplatanus* L.	—
Common alder	*Alnus glutinosa* (L.) Gaert.	—
Grey alder	*Alnus incana* (L.) Moench.	—
Italian alder	*Alnus cordata* Desfont.	—
Birch	*Betula pendula* Roth.	*Betula verrucosa* Ehrh.
Birch	*Betula pubescens* Ehrh.	—
Sweet or Spanish chestnut	*Castonea sativa* Mill.	—
Beech	*Fagus sylvatica* L.	—
Ash	*Fraxinus excelsior* L.	—
English elm	*Ulmus procera* Salis.	*Ulmus campestris* L.
Wych elm	*Ulmus glabra* Huds.	*Ulmus montana* Withering.
Smooth-leaved elm	*Ulmus carpinifolia* Gled.	—
Red oak	*Quercus borealis* Michx.	—
Sessile oak	*Quercus petraea* (Matt.) Lieb.	*Quercus sessiliflora* Salis.
Pedunculate oak	*Quercus robur* L.	*Quercus pedunculata* Ehrh.

PART II

(Coming into operation on the 1st August, 1962)

Herbage Seeds of the following kinds:

Westerwolds ryegrass	Rough stalked meadow grass	Sweet clover
Short rotation ryegrass	Smooth stalked meadow grass	Kidney vetch
Tall fescue	Meadow foxtail	Birdsfoot trefoil
Red fescue		Yarrow
		Suckling clover

Cereal Seeds of the following kinds:

Maize (excluding sweet corn)

Field Seeds of the following kinds:

Buckwheat
Lupin
Sunflower

Root and Vegetable Seeds of the following kinds:

Fodder beet
Fodder sugar beet
Half sugar mangel
Spinach beet (including chard)
Vegetable marrow
Cucumber
Melon
Tomato
Lettuce
Endive
Chicory
Cress
Mustard
Celery
Celeriac
Radish
Savoy
Spinach
Parsley
Leek
Sweet corn

SECOND SCHEDULE (Regulation 5)

Particulars to be given on Sale or Exposure for Sale of Seeds or Seed Potatoes

PART I

Seeds

Particulars to be given in all cases

(except where particulars are given in respect of packeted root and vegetable seeds in accordance with Part II of this Schedule)

(*a*) The name and address of the seller of the seeds.

(*b*) A statement that the seeds have been tested in accordance with the provisions of the Seeds Act, 1920.

(*c*) The kind of seeds.

(*d*) Where the seeds have been treated with a liquid or powder to control pests or diseases or have been fumigated, pelleted or rubbed,

(i) a statement whether the particulars of purity and germination are based on tests made before or after the application of the treatment, fumigation, pelleting or rubbing, as the case may be;

(ii) in the case of seeds which have been treated, the nature or the proprietary name of the liquid or powder;

(iii) in the case of seeds which have been fumigated, the nature or the proprietary name of the fumigant and the purpose for which it has been applied; and

(iv) in the case of pelleted seeds, the nature or the proprietary name of the pelleting material and the purpose for which it has been applied.

(*e*) Where the seeds are hybrid seeds, whether F1, double cross or of a like character, a statement indicating that plants grown from them cannot be relied upon to yield seed with the same characteristics.

(*f*) Where the seeds comprise a mixture, a statement to that effect and such particulars in respect of each constituent as would be required if that constituent alone were sold or offered for sale, together with a statement of the proportion, expressed as a percentage by weight, of each constituent present in the mixture.

Provided

(1) that where the mixture is one which was made during the period of twelve months which expired on the 31st July last previous to the date of the sale, the particulars relating respectively to purity, injurious weeds and other weeds may be given in respect of the mixture as a whole and not in respect of each constituent.

(2) that where the mixture is one of seeds derived from plants which have been grown together, it shall be sufficient to state that fact and to give in respect of the mixture as a whole the particulars which would otherwise have been required in respect of each constituent.

For the purposes of this paragraph, a mixture is a bulk of seeds consisting of two or more kinds, varieties or types of seeds (not being weed seeds), in which the constituent or constituents, other than the principal constituent, exceeds or exceed seven per cent. by weight of the bulk.

Further particulars to be given according to the kind of seeds

Herbage Seeds

(as specified in the First Schedule to these Regulations)

Variety and Type

(i) In the case of

Perennial ryegrass	**Timothy**	**Crimson clover**
Short rotation ryegrass	**Cocksfoot**	**Sweet clover**
Meadow fescue	**Red clover**	**Lucerne**
Red fescue	**White clover**	**Sainfoin**

either (*a*) the variety, (*b*) the type, (*c*) the variety and the type, of the seeds or (*d*) the words "variety and type not specified".

Origin

(ii) The name of the country in which the seeds were grown or a statement that the country in which the seeds were grown is not known.

Purity

(iii) The percentage of purity of the seeds.

Germination

(iv) The percentage of germination of the seeds.

Hard Seeds

(v) In the case of

Red clover	**Crimson clover**	**Suckling clover**
Alsike clover	**Trefoil**	**Sweet clover**
White clover	**Lucerne**	**Kidney vetch**
Sainfoin		**Birdsfoot trefoil**

the percentage of hard seeds.

Injurious Weeds

(vi) The name and number of seeds, as ascertained on a purity test, of any of the injurious weeds of which more than one seed was so ascertained (the seeds of docks and sorrels being regarded for the purpose of this requirement as seeds of the same kind).

Weed Seeds

(vii) The percentage of weed seeds present, where such percentage exceeds 0·5.

Cereal Seeds

(as specified in the First Schedule to these Regulations)

Variety and Type

(i) In the case of

Wheat	**Barley**	**Oats**

the variety of the seeds or the words "variety not specified".

Provided that in the case of wheat and barley a statement of variety shall not be deemed to be incorrect if it is true in respect of 98 per cent. of the seeds.

(ii) In the case of

Rye **Maize (excluding sweet corn)**

either (*a*) the variety, (*b*) the type, (*c*) the variety and the type, of the seeds or (*d*) the words "variety and type not specified".

Origin

(iii) The name of the country in which the seeds were grown (or alternatively, in the case of seeds grown in the United Kingdom, a statement to that effect), or a statement that the country in which the seeds were grown is not known.

Purity

(iv) Either the percentage of purity of the seeds or, if such percentage is not less than the prescribed declarable minimum percentage of purity, a statement to that effect, disclosing the minimum percentage prescribed.

Germination

(v) Either the percentage of germination of the seeds or, if such percentage is not less than the prescribed declarable minimum percentage of germination, a statement to that effect, disclosing the minimum percentage prescribed.

Injurious Weeds

(vi) The name and number of seeds of any of the injurious weeds in a sample of 8 ounces as ascertained on a test made either at an official seed testing station or at a testing station licensed by the Secretary of State.

Weed Seeds

(vii) The percentage of weed seeds present, where such percentage exceeds 0·5.

Field Seeds

(as specified in the First Schedule to these Regulations)

Variety and Type

(i) in the case of

Flax **Linseed**

the variety of the seeds or the words "variety not specified".

(ii) In the case of

Tares and vetches **Lupin** **Sunflower**

either (*a*) the variety, (*b*) the type, (*c*) the variety and the type, of the seeds or (*d*) the words "variety and type not specified".

Origin

(iii) The name of the country in which the seeds were grown or a statement that the country in which the seeds were grown is not known.

Purity

(iv) The percentage of purity of the seeds.

Germination

(v) The percentage of germination of the seeds.

Injurious Weeds

(vi) The name and number of seeds, as ascertained on a purity test, of any of the injurious weeds of which more than one seed was so ascertained (the seeds of docks and sorrels being regarded for the purpose of this requirement as seeds of the same kind).

Weed Seeds

(vii) The percentage of weed seeds present, where such percentage exceeds 0·5.

Root and Vegetable Seeds

(as specified in the First Schedule to these Regulations)

Variety and Type

(i) In the case of

Dwarf bean (including climbing French or pole bean)	**Garden pea**	**Tomato**
	Sugar beet	**Lettuce**

the variety of the seeds or the words "variety not specified".

(ii) In the case of

Field bean	**Kale (including thousand head, marrow stem, garden kale and borecole)**	**Fodder beet**
Broad bean		**Fodder sugar beet**
Runner bean		**Half sugar mangel**
Field pea		**Vegetable marrow**
Beetroot	**Cabbage**	**Cucumber**
Mangel	**Cauliflower (including Winter and Spring heading forms commonly known as broccoli)**	**Melon**
Swede		**Chicory**
Turnip		**Celery**
Parsnip		**Radish**
Carrot		**Savoy**
Onion	**Sprouting broccoli (including calabrese)**	**Spinach**
Rape or cole (including fodder and oil rapes)		**Leek**
		Sweet corn
	Brussels sprout	

either (*a*) the variety, (*b*) the type, (*c*) the variety and the type, of the seeds or (*d*) the words "variety and type not specified".

Origin

(iii) The name of the country in which the seeds were grown or a statement that the country in which the seeds were grown is not known.

Provided that in the case of seeds not stated to be "Certified" or "Field Approved" the particulars referred to in this paragraph need not be given unless demanded by the purchaser of the seeds.

Purity

(iv) In all cases except cucumber, melon and vegetable marrow, either the percentage of purity of the seeds or, if such percentage is not less than the prescribed declarable minimum percentage of purity, a statement to that effect, disclosing the minimum percentage prescribed.

Germination

(v) Either the percentage of germination of the seeds or, if such percentage is not less than the prescribed declarable minimum percentage of germination, a statement to that effect, disclosing the minimum percentage prescribed.

Celery Leaf Spot

(vi) In the case of celery, whether or not the seeds are free from Celery Leaf Spot (*Septoria* spp.) or whether or not they have been effectively treated for that disease.

Forest Tree Seeds

(as specified in the First Schedule to these Regulations)

Origin

(i) The name of the country in which the seeds were grown or a statement that the country in which the seeds were grown is not known.

Collection

(ii) The year and month in which the seeds were collected.

Purity

(iii) The percentage of purity of the seeds.

Germination

(iv) The percentage of germination of the seeds.

Particulars of origin given in accordance with this Part of this Schedule

For the purpose of particulars of the origin of seeds, given in accordance with this Part of this Schedule, England, Wales, Scotland and Northern Ireland shall be regarded as separate countries.

PART II

Packeted Root and Vegetable Seeds

In a case where root or vegetable seeds are sold or exposed for sale in a packet of which the contents do not exceed the weight indicated below in relation to the particular seeds, namely

Seeds	*Weight of contents of packet*
pea and bean	2 lb.
cress, mustard, rape, spinach, beetroot, radish, turnip and swede	8 oz.
any other root and vegetable seeds	2 oz.

then in lieu of the particulars hereinbefore required in respect of the seeds the particulars required in respect thereof by paragraphs (i) to (iii) inclusive and (v) to (x) inclusive which appear below may be stated on the packet and the particulars required by paragraph (iv) which appears below may be stated either on the packet or on a slip inserted in it. The said particulars are

(i) The name and address of the seller of the seeds.

(ii) A statement that the seeds have been tested in accordance with the provisions of the Seeds Act, 1920.

(iii) The kind of seeds.

(iv) (*a*) In the case of seeds which have been treated with a liquid or powder to control pests or diseases, or have been fumigated, a statement that the seeds have been treated or fumigated, as the case may be, and of the purpose for which the treatment or fumigant has been applied; and

(*b*) in the case of pelleted seeds, a statement of the nature or of the proprietary name of the pelleting material and of the purpose for which it has been applied.

(v) In the case of

Dwarf bean (including climbing French or pole bean)	**Garden pea**	**Tomato**
	Sugar beet	**Lettuce**

the variety of the seeds or the words "variety not specified".

(vi) In the case of

Field bean	**Kale (including thousand head, marrow stem, garden kale and borecole)**	**Fodder beet**
Broad bean		**Fodder sugar beet**
Runner bean		**Half sugar mangel**
Field pea		**Vegetable marrow**
Beetroot	**Cabbage**	**Cucumber**
Mangel	**Cauliflower (including Winter and Spring heading forms commonly known as broccoli)**	**Melon**
Swede		**Chicory**
Turnip		**Celery**
Parsnip		**Radish**
Carrot		**Savoy**
Onion	**Sprouting broccoli (including calabrese)**	**Spinach**
Rape or cole (including fodder and oil rapes)		**Leek**
		Sweet corn
	Brussels sprout	

either (*a*) the variety, (*b*) the type, (*c*) the variety and the type, of the seeds or (*d*) the words "variety and type not specified".

(vii) The season in which the seeds were packeted.

Provided that the term "season" shall for the purpose of this requirement mean a twelve months season ending on the 31st July, and that it shall be sufficient to state the year in which the season expires.

(viii) Either the percentage of purity of the seeds, printed in not less than ten point type or otherwise stated legibly in characters of at least that size, or, if such percentage is not less than the prescribed minimum declarable percentage of purity, a statement to that effect.

(ix) Either the percentage of germination of the seeds, printed in not less than ten point type or otherwise stated legibly in characters of at least that size, or, if such percentage is not less than the prescribed declarable minimum percentage of germination, a statement to that effect.

(x) Where the seeds are hybrid seeds, whether F1, double cross or of a like character, a statement indicating that plants grown from them cannot be relied upon to yield seed with the same characteristics.

Provided that where reference is made to the prescribed minimum declarable percentage of purity or to the prescribed minimum declarable percentage of germination a notice showing the prescribed minimum declarable percentage of purity or of germination, as the case may be, shall be displayed conspicuously in close proximity to the seeds.

PART III

Seed Potatoes

(*a*) The name and address of the seller of the seed potatoes.

(*b*) The class of the seed potatoes, that is, whether they are

Certified (Scotch)
Certified (Northern Ireland)
Certified (Republic of Ireland)
Certified (English)
Certified (Welsh)
Certified (Isle of Man)
Uncertified (English once-grown)
Uncertified (Welsh once-grown)
Uncertified (Scotch)
Uncertified (English) or
Uncertified (Welsh)

(*c*) In the case of certified seed potatoes, the reference letters and number of the relative certificate.

(*d*) The variety.

Provided that for the purpose of this requirement (i) the variety shall not be deemed to be incorrectly stated if the statement is true, in the case of certified seed potatoes, in respect of 98·5 per cent. of the seed potatoes to which the statement refers and, in the case of uncertified seed potatoes, in respect of 97 per cent. of the seed potatoes to which the statement refers and (ii) if the seed potatoes are of mixed varieties a statement to that effect shall be a sufficient statement of their variety.

(*e*) The size and dressing.

Provided that for the purpose of this requirement (i) the size and dressing shall not be deemed to be incorrectly stated if the weight of seed potatoes not of the size and dressing stated does not exceed four pounds per hundredweight of the seed potatoes to which the statement refers and (ii) if the seed potatoes are sold or exposed for sale as grown and are stated to be " as grown ", it shall not be necessary to refer to the size of the mesh of the riddle through which the seed potatoes may be passed.

(*f*) Where the seed potatoes have been treated with a liquid or powder to control pests or diseases, or have been otherwise treated for that purpose, or have been treated with a sprout depressant, a statement of

(i) the nature or the proprietary name of the liquid or powder, or

(ii) the nature of the other treatment to control pests or diseases and the purpose for which it has been applied, or

(iii) the fact that the seed potatoes have been treated with a sprout depressant, and the nature of the proprietary name thereof,

as the case may be.

For the purposes of this Part of this Schedule

(1) " Certified (Scotch) ", " Certified (Northern Ireland) ", " Certified (Republic of Ireland) ", " Certified (English) ", " Certified (Welsh) ", and " Certified (Isle of Man) " mean respectively seed potatoes obtained from crops grown in Scotland, Northern Ireland, the Republic of Ireland, England, Wales or the Isle of Man, which crops were certified under a scheme for the inspection of growing crops of potatoes authorised by the Secretary of State for Scotland, the Ministry of Agriculture for Northern Ireland, the Minister for Agriculture for the Republic of Ireland, the Minister for Agriculture, Fisheries and Food (as to England and Wales) or the Isle of Man Board of Agriculture and Fisheries, as the case may be, which is for the time being in force; the expression " certificate " means a certificate under one of such schemes and the expressions " certified " and " uncertified " mean respectively certified and not certified under one of such schemes.

(2) " Uncertified (English once-grown) " and " Uncertified (Welsh once-grown) " mean respectively seed potatoes obtained from crops grown in England and in Wales, which crops were not certified but were grown from seed potatoes of one of the classes defined in paragraph (1) above produced in the preceding year.

(3) " Uncertified (Scotch) ", " Uncertified (English) " and " Uncertified (Welsh) " mean respectively seed potatoes obtained from crops grown in Scotland, in England and in Wales, and not falling within any of the definitions in paragraphs (1) and (2) above.

(4) " size and dressing " means the sizes of the meshes (exclusive of the thickness of the wire) of the riddles through and by which, respectively, the seed potatoes may be passed and retained.

THIRD SCHEDULE (Regulation 3)

Prescribed Declarable Minimum Percentages of Purity

Kind of Seed	*Percentage of Purity*
Pea	99
Bean—field	98
Bean—broad	99
Bean—runner	99
Bean—dwarf (including climbing French or pole bean)	99
Mangel	97
Fodder beet	97
Fodder sugar beet	97
Half sugar mangel	97
Sugar beet	97
Beetroot	97
Spinach beet (including chard)	97
Carrot	93
Parsnip	97
Mustard	98
Rape or cole (including fodder and oil rapes)	98
Swede	98
Turnip	98
Kohl rabi	98
Cabbage	98
Savoy	98
Kale (including thousand head and marrow stem)	98
Kale (garden and borecole)	98
Hungry gap kale	98
Cauliflower (including Winter and Spring heading forms commonly known as broccoli)	98
Sprouting broccoli (including calabrese)	98
Brussels sprout	98
Radish	98
Onion	98
Leek	98
Spinach	97
Lettuce	98
Tomato	99
Celery	97
Celeriac	97
Parsley	97
Cress	99
Chicory	95
Sweet corn	99
Endive	95
Wheat	99
Barley	99
Oats	99
Rye	99
Maize	99

FOURTH SCHEDULE (Regulation 3)

Prescribed Declarable Minimum Percentages of Germination

Kind of Seed	*Percentage of germination*
Pea	80
Bean—field	90
Bean—broad	80
Bean—runner	70
Bean—dwarf (including climbing French or pole bean)	80
Mangel (of clusters)	70
Fodder beet (of clusters)	70
Fodder sugar beet (of clusters)	70
Half sugar mangel (of clusters)	70
Sugar beet (of clusters)	70
Beetroot (except Cheltenham) (of clusters)	60
Beetroot (Cheltenham) (of clusters)	55
Spinach beet (including chard)	70
Carrot	60
Parsnip	60
Mustard	80
Rape or cole (including fodder and oil rapes)	85
Swede	80
Turnip	80
Kohl rabi	75
Cabbage	70
Savoy	70
Kale (including thousand head and marrow stem)	75
Kale (garden and boreole)	75
Hungry gap kale	75
Cauliflower (including Winter and Spring heading forms commonly known as broccoli)	65
Sprouting broccoli (including calabrese)	65

Kind of seed	Percentage of germination	Kind of seed	Percentage of germination
Brussels sprout	70	Celeriac	60
Radish	75	Parsley	65
Onion	65	Cress	85
Leek	55	Chicory	70
Spinach	70	Sweet corn	75
Vegetable marrow ...	75	Endive	70
Cucumber	85	Wheat	90
Melon	85	Barley	90
Lettuce	75	Oats	85
Tomato	80	Rye	80
Celery	60	Maize	75

FIFTH SCHEDULE (Regulation 3)

Injurious Weeds

Wild Oat (*Avena fatua* L. and *Avena ludoviciana* Durieu)

Dodder (*Cuscuta* spp.)

Docks and Sorrels (*Rumex* spp)

Black grass (*Alopecurus myosuroides* Huds.)

Couch grass (*Agropyron repens* (L.) Beauv.)

SIXTH SCHEDULE (Regulation 3)

Weeds

Aethusa cynapium L.	Fool's parsley
Agrostemma githago L.	Corn cockle
Allium vineale L.	Wild onion
Alopecurus geniculatus L.	Floating foxtail
Amaranthus retroflexus L.	Red-root pigweed
Anagallis arvensis L.	Scarlet pimpernel
Anthemis arvensis L.	Corn chamomile
Anthemis cotula L.	Stinking mayweed
Arctium lappa L.	Great burdock
Atriplex patula L.	Common orache
Axyris amaranthoides L.	Russian pigweed
Barbarea vulgaris R. Br.	Winter cress
Brassica nigra (L.) Koch	Black mustard
Bromus mollis L.	Soft brome
Bromus sterilis L.	Barren brome
Camelina microcarpa Andrz. ex. DC.	Small-seeded false flax
Calystegia sepium (L.) R. Br. ...	Large bindweed
Capsella bursa-pastoris (L.) Medic. ...	Shepherd's purse
Cardaria draba (L.) Desv.	Hoary cress
Centaurea solstitialis L.	Yellow star-thistle
Cerastium vulgatum L. [Syn Cerastium holosteoides F.] ...	Mouse-ear chickweed
Chenopodium album L.	Fat hen
Chrysanthemum leucanthemum L. ...	Ox-eye daisy
Chrysanthemum segetum L.	Corn marigold
Cirsium arvense (L.) Scop.	Creeping thistle
Cirsium vulgare (Savi.) Ten.	Spear thistle
Convolvulus arvensis L.	Field bindweed
Crepis capillaris (L.) Wallr.	Smooth crepis
Daucus carota L.	Wild carrot
Dracocephalum parviflorum Nutt. ...	Dragonhead

Echium vulgare L.	Viper's bugloss
Erodium cicutarium (L.) L'Hérit. ...	Common storksbill
Erysimum cheiranthoides L.	Treacle mustard
Euphorbia helioscopia L.	Sun spurge
Galeopsis tetrahit L.	Common hemp-nettle
Galium aparine L.	Cleavers
Galium mollugo L.	Hedge bedstraw
Geranium dissectum L.	Cut-leaved cranesbill
Geranium molle L.	Dove's-foot cranesbill
Geranium pusillum L.	Small-flowered cranesbill
Holcus lanatus L.	Yorkshire fog
Hypochoeris radicata L.	Cat's ear
Lapsana communis L.	Nipplewort
Leontodon hispidus L.	Rough hawkbit
Matricaria inodora L. [Syn. *Tripleurospermum maritimum* (L.) Koch subsp. *inodorum* (L.) Hyland. ex Vaarama]	Scentless mayweed
Melandrium album (Mill.) Garcke [Syn. *Silene alba* (Mill.) E. H. L. Krause]	White campion
Melandrium noctiflorum (L.) Fr. [Syn. *Silene noctiflora* L.]	Night-flowering catchfly
Myosotis arvensis (L.) Hill	Common forget-me-not
Panicum capillare L.	Old witch-grass
Papaver rhoeas L.	Field poppy
Picris echioides L.	Bristly ox-tongue
Plantago lanceolata L.	Ribgrass
Plantago major L.	Broad plantain
Poa annua L.	Annual meadow grass
Polygonum aviculare L.	Knotgrass
Polygonum convolvulus L.	Black bindweed
Polygonum hydropiper L.	Water-pepper
Polygonum lapathifolium L. ...	Pale persicaria
Polygonum persicaria L.	Lady's thumb
Poterium muricatum spach [Syn. Poterium polygamum Waldst & Kit.]	Burnet
Prunella vulgaris L.	Self-heal
Ranunculus arvensis L.	Corn crowfoot
Ranunculus repens L.	Creeping buttercup
Raphanus raphanistrum L.	Wild radish
Scandix pecten-veneris L.	Shepherd's needle
Senecio vulgaris L.	Groundsel
Setaria viridis (L.) Beauv.	Green bristle-grass
Sherardia arvensis L.	Field madder
Silene cucubalus Wibel [Syn. Silene vulgaris (Moench) Garcke] ...	Bladder campion
Silene dichotoma Ehrh.	Forked catchfly
Sinapis arvensis L.	Charlock
Sisymbrium officinale (L.) Scop. ...	Hedge mustard
Solanum nigrum L.	Black nightshade
Sonchus arvensis L.	Corn sowthistle
Sonchus asper (L.) Hill	Prickly sowthistle
Sonchus oleraceus L.	Common sowthistle
Spergula arvensis L.	Corn spurrey
Stellaria graminea L.	Lesser stitchwort
Stellaria media (L.) Vill.	Chickweed

Taraxacum officinale Weber ...	...	Dandelion
Thlaspi arvense L.	...	Field penny-cress
Torilis nodosa (L.) Gaertn. ...	...	Knotted hedge-parsley
Trifolium arvense L.	...	Hare's-foot clover
Urtica dioica L.	...	Common stinging nettle
Urtica urens L.	...	Small nettle
Veronica arvensis L.	...	Wall speedwell
Veronica persica Poir. ...	...	Buxbaum's speedwell
Vicia angustifolia L.	...	Narrow-leaved vetch
Vicia hirsuta (L.) Gray ...	...	Hairy tare
Vicia tetrasperma (L.) Schreb.	...	Smooth tare
Viola tricolor L.	...	Field pansy
Vulpia myuros (L.) C.C. Gmel.	...	Rat's-tail fescue

SEVENTH SCHEDULE (Regulation 6)

Limits of Variation

PART I

PURITY

Percentage of Purity stated *Per cent.*	*Limit of Variation* *Per cent.*
From 99 to 100 (inclusive)	1
„ 97 to 98·9 „	2
„ 94 to 96·9 „	3
„ 90 to 93·9 „	4
„ 85 to 89·9 „	5
„ 80 to 84·9 „	6
„ 65 to 79·9 „	7
„ 35 to 64·9 „	8
„ 20 to 34·9 „	7
„ 15 to 19·9 „	6
„ 10 to 14·9 „	5
„ 6 to 9·9 „	4
„ 3 to 5·9 „	3
Under 3	2

PART II

GERMINATION

Percentage of Germination stated *Per cent.*	*Limit of Variation* *Cucumber, Melon and Vegetable marrow seeds* *Per cent.*	*All other seeds* *Per cent.*
From 97 to 100 (inclusive)	6	4
„ 95 to 96 „	8	5
„ 90 to 94 „	10	6
„ 80 to 89 „	12	7
„ 70 to 79 „	14	8
„ 60 to 69 „	16	9
Under 60	18	10

PART III

HARD SEEDS

Percentage of Hard Seeds stated Per cent.	*Limit of Variation* Per cent.
From 0 to 3 (inclusive)	4
„ 4 to 5 „	5
„ 6 to 10 „	6
„ 11 to 20 „	7
„ 21 to 30 „	8
„ 31 to 40 „	9
Over 40	10

PART IV

WEED SEEDS

Percentage of Weed Seeds stated Per cent.	*Limit of Variation* Per cent.
0·5	1·0
0·6	1·1
0·7	1·2
0·8	1·3
From 0·9 to 1·0 (inclusive)	1·4
„ 1·1 to 1·5 „	1·6
„ 1·6 to 2·0 „	1·8
„ 2·1 to 2·5 „	2·0
„ 2·6 to 3·0 „	2·2
Over 3·0	3·0

PART V

INJURIOUS WEED SEEDS

Number of Injurious Weed Seeds stated	*Limit of variation*	
	Herbage and Field Seeds Number	*Cereal Seeds* Number
0	4	5
1	5	6
2	6	7
3	7	7
4	7	8
5	8	8
6	8	9
7	9	10
8	9	10
9	10	10
From 10 to 19 (inclusive)	12	13
Over 19	15	17

EIGHTH SCHEDULE (Regulation 7)

Sampling

PART I

SEEDS

Sampling Procedure

1. The following paragraphs numbered 2 to 6 inclusive shall not apply where the seeds to be sampled are in sealed packets.

2. (i) In the case of the seeds referred to in sub-paragraphs (1) to (6) of paragraph 7 of this Part of this Schedule a single sample shall not be taken so as

to represent a bulk of seeds greater than 10 tons; (ii) in the case of the seeds referred to in sub-paragraphs (7) to (10) of the said paragraph a single sample shall not be taken so as to represent a bulk of seeds greater than 20 tons and (iii) in the case of the seeds referred to in sub-paragraphs (11) to (18) of the said paragraph a single sample shall not be taken so as to represent a bulk of seeds greater than 2 tons.

3. Prior to sampling a bulk shall be well mixed so as to be as uniform among its parts as is practicable.

4. When the bulk is in sacks or other containers, the number of sacks or other containers to be sampled shall be in accordance with the following table.

Number of sacks or other containers in the bulk	*Number of sacks or other containers to be sampled*
1 to 5 (inclusive)	Each sack or other container.
6 to 30 (inclusive)	1 sack or other container in 3, selected at random, but in any case not less than 5.
Over 30	1 sack or other container in 5, selected at random, but in any case not less than 10.

5. The sample shall be taken in the following manner:

Seeds in full sacks or other containers

In all cases portions of seed shall be taken from the seed in the top, middle and bottom of each selected sack or other container.

Wherever practicable seed in sacks shall be sampled with a metal spear, trier or probe with a solid point which shall be of sufficient length to reach beyond the middle of the sack when inserted from the side and shall have an aperture so placed that the instrument removes portions of seed of equal volume from each part of the seed through which it travels. The instrument shall be inserted across the sack, 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 uniform speed. Alternatively, a stick sampler with transverse partitions may be used in place of the instrument described above provided that it is inserted diagonally across the sack from the top to the bottom.

Seed 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 seed 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 seed 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.

Seed loose in drawers or in a partly filled sack

The seed shall be thoroughly mixed by hand and small portions then taken from different parts.

Seed loose in bulk

Portions of seed shall be taken with a sampling instrument having transverse partitions, from at least 10 positions so that portions are taken from different depths.

Seed in a cleaning, mixing or dressing machine

Portions of seed shall be drawn during the cleaning, mixing or dressing process by moving a container through the entire cross section of the seed stream at least 10 times at regular intervals throughout the whole of the process.

6. When the individual portions taken from the bulk together exceed the amount required, they shall be put together in a clean receptacle and well mixed. Where the aggregate sample so obtained exceeds the amount required it shall be reduced by using an efficient mechanical seed divider or by employing the "halving method", that is to say by dividing the aggregate sample into two equal parts, rejecting one of such parts and, after re-mixing the other part, dividing it into two equal parts and rejecting one of them and so on in this manner until the amount required is attained.

Testing

7. The weight or quantity submitted for testing of any of the seeds hereinafter specified shall be at least the weight or quantity so specified in relation thereto.

Kind of Seeds	*Weight or Quantity*
(1) Cucumber Melon Vegetable marrow	150 seeds
(2) Tomato	½ oz.
(3) Cauliflower (including Winter and Spring heading forms commonly known as broccoli) Celery Celeriac	½ oz.
(4) Rough stalked meadow grass Smooth stalked meadow grass Leek Lettuce Onion	1 oz.
(5) Perennial ryegrass Italian ryegrass Westerwolds ryegrass Short rotation ryegrass Meadow fescue Tall fescue Red fescue Timothy Cocksfoot Crested dogstail Meadow foxtail Red clover Alsike clover White clover Suckling clover Sweet clover Trefoil Birdsfoot trefoil Lucerne Yarrow Cress Parsley Chicory Endive Carrot	2 oz.

Kind of Seeds	*Weight or Quantity*
(6) Crimson clover Flax Linseed Kidney vetch Rape or cole (including fodder and oil rape) Swede Turnip Kohl rabi Kale (including thousand head, marrow stem, garden kale and borecole) Hungry gap kale Cabbage Sprouting broccoli (including calabrese) Brussels sprout Mustard Savoy Radish Spinach Parsnip	4 oz.
(7) Sainfoin Wheat Barley Oats Rye Tares and vetches Buckwheat Sunflower Pea (field and garden) Mangel Half sugar mangel Fodder beet Fodder sugar beet Sugar beet Spinach beet (including chard) Beetroot Lupin Maize Sweet corn	8 oz.
(8) Field bean Broad bean Runner bean Dwarf bean (including climbing French or pole bean)	1 lb.
(9) Mixtures containing any one or more of the following kinds of seeds, namely, Wheat Barley Oats Rye Maize Field peas Field beans Tares and vetches	8 oz.
(10) Any other mixtures of seeds	4 oz.

Kinds of Seeds	*Weight or Quantity*
(11) Common alder Grey alder Birch	½ oz.
(12) Italian alder Lawson cypress Serbian spruce Sitka spruce Lodgepole pine Redwood Wellingtonia Western red cedar Western hemlock	1 oz.
(13) Monterey cypress European larch Hybrid larch Japanese larch Norway spruce Mountain pine Scots pine Smooth leaved elm Wych elm English elm	2 oz.
(14) Grand fir Austrian pine Corsican pine Douglas fir	4 oz.
(15) Silver fir Noble fir Ash Monterey pine	6 oz.
(16) Sycamore	8 oz.
(17) Norway maple Beech	1 lb.
(18) Sweet or Spanish chestnut Red oak Sessile oak Pedunculate oak	300 seeds

Seeds in sealed packets

8. Where the seeds are in sealed packets the weight or quantity submitted for testing shall comprise either the contents of such number of unbroken packets as together contain the minimum weight or quantity mentioned in paragraph 7 of this Part of this Schedule in relation to the particular kind of seeds or the contents of five unbroken packets, whichever shall be the less.

PART II

Seed Potatoes

1. If the bulk consists of seed potatoes associated with more than one mark or certificate number, it shall be divided so that the seed potatoes associated with each mark or certificate number constitutes a separate lot and each lot shall be separately sampled.

2. For the purpose of testing a statement of the size and dressing of the seed potatoes, where the total quantity to which the statement relates does not exceed 28 lb., all the seed potatoes shall be examined. Where the total quantity to which the statement relates exceeds 28 lb. all the seed potatoes in a sample shall be examined, the said sample being selected as follows:

(*a*) *Seed potatoes in bags or other containers*

From lots not exceeding 5 tons, at least one bag or container in twenty shall be selected at random and in any case not less than 28 lb. From lots exceeding 5 tons, at least 5 hundredweight shall be selected at random.

(*b*) *Seed potatoes not in bags or other containers*

From lots not exceeding 5 tons, at least one-twentieth of the weight of the lot, selected at random, but in any case not less than 28 lb. From lots exceeding 5 tons, at least 5 hundredweight, selected at random.

3. For the purpose of testing a statement of the variety of the seed potatoes there shall be selected at random not less than 100 of the seed potatoes to which the statement relates.

NINTH SCHEDULE (Regulation 8)

Certificate of the Result of a Test of Seeds

DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND

SEEDS ACT, 1920

Station No. .....

SEEDS (SCOTLAND) REGULATIONS, 1961

Control Sample No. .....

FINAL REPORT

of the

OFFICIAL SEED TESTING STATION FOR SCOTLAND

ON A SAMPLE TAKEN UNDER SECTION 4 OF THE ACT

on the premises of

Date received at Station ..... Name .....

Address .....

.....

.....

Date of sampling ..... Quantity represented .....

Quantity sampled ..... Stock No. or reference .....

Merchant's Description of Seed

Kind ..... Country in which grown

Variety or Type ....

Result of official test

Purity .....% Germination .....%

Hard seeds .....%

Weed seeds (including injurious weed seeds) .....% Other particulars .....

No. of injurious weed seeds

Wild Oat ....

Dodder .....

Docks and Sorrels ....

Black grass .....

Couch grass ....

Total ....

Remarks :

Chief Officer of the Official Testing Station.

Date .....

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations supersede the Seeds (Scotland) Regulations, 1922, made under the Seeds Act, 1920.

The Regulations specify the seeds to which the Seeds Act, 1920, applies and indicate the particulars which are to be delivered to a purchaser of seeds or seed potatoes, including seeds sold in packets. Limits of variation, or permitted tolerances, are allowed in respect of some of the particulars and are set out in the Seventh Schedule. Methods of sampling and the amount of seed to be submitted for testing in accordance with the said Act appear in the Eighth Schedule and the form of the certificate given after a test of seeds is prescribed. Provision is made for the granting by the Secretary of State of licences providing exemption, in certain specified circumstances, from the obligation to give particulars on a sale of seeds or seed potatoes.

The principal changes extend to all of the matters referred to above. The Regulations come into operation on the 1st August, 1961, except as regards certain seeds, which are some of those included for the first time in regulations under the Seeds Act, 1920. The Regulations take effect in relation to these on the 1st August, 1962 and, in addition, two of the particulars to be given on a sale of herbage seeds are not required before that date.