STATUTORY INSTRUMENTS

1979 No. 1005

SEEDS

The Oil and Fibre Plant Seeds Regulations 1979

Made - - - -	3*rd August* 1979
Laid before Parliament	16*th August* 1979
Coming into Operation -	10*th September* 1979

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4), (5) and (8), 17(1), (2), (3) and (4), 24(5), 26(2) and (3) and 36 of the Plant Varieties and Seeds Act 1964**(a)** and now vested in them **(b)** and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned, hereby make the following regulations:—

Application, citation and commencement

1. These regulations, which apply to Great Britain, may be cited as the Oil and Fibre Plant Seeds Regulations 1979 and shall come into operation on the 10th September 1979.

Revocation of previous regulations

2. The Oil and Fibre Plant Seeds Regulations 1976**(c)** are hereby revoked.

Interpretation

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

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

"the Act" means the Plant Varieties and Seeds Act 1964 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 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 maintaining the plant variety with the morphological, physiological or other characteristics to which regard was had when the plant variety was entered in the List or the Common Catalogue;

(a) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68) section 4(1) and paragraph 5(1), (2) and (3) of Schedule 4.
(b) By the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).
(c) S.I. 1976/1284.

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

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

(*b*) under which the seeds are made over by one person to another in pursuance of a contract under which the seeds will be used for producing further seeds or for producing plants or parts of plants for human or animal consumption 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, as respects England, the Minister of Agriculture, Fisheries and Food and, as respects Scotland or Wales, the Secretary of State, and "the Ministers" means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly;

"National List" means a list of varieties of kinds of oleaginous and fibrous plants published in accordance with the Seeds (National Lists of Varieties) Regulations 1979(a), or any regulations made under the Act by which the same may be superseded;

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

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

"small package" means a package of seeds containing 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 official examination been found to satisfy those requirements;

(a) S.I. 1979/133.

"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, and

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

"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 those 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 those 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 those 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 those 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 those 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 seeds set out in Schedule 2 and which have on an official examination been found to satisfy those requirements.

Seeds to which the regulations apply

4.—(1) Subject to paragraphs (2) and (3) of this regulation, these regulations apply to oil and fibre plant seeds of the kinds set out in Schedule 1, 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.

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

Marketing of seeds

5.—(1) Subject to the provisions of this regulation no person shall market any seeds unless they are seeds of plant varieties which may be marketed in accordance with regulation 30 of The Seeds (National Lists of Varieties) Regulations 1979 or any other regulations whereby the same may be superseded and unless they are—

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

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

(2) Paragraph (1) of this regulation shall not prevent the marketing of kinds or varieties of oil and fibre plant seeds included in mixtures of seeds permitted by the Fodder Plant Seeds Regulations 1976**(a)** or any other regulations whereby the same may be superseded, where each of the constituents to which these regulations apply consists of seeds marketed in accordance with paragraph (1) of this regulation.

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

(*a*) authorise any person to market as 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, seeds which fail in some respect to satisfy the requirements for such seeds set out in Schedule 2,

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

(*c*) authorise any person to market seeds which, notwithstanding the requirements of the Seeds (National Lists of Varieties) Regulations 1979 or any other regulations whereby the same may be superseded, 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) Any person may market in relation to a sale or proposed sale to a person engaged in the business of trading in seeds, other than by way of retail sale, seeds which have been imported from a country other than a Member State notwithstanding that such marketing would otherwise be prohibited by virtue of paragraph (1)(*c*) of this regulation.

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

(6) In a case where the official examination in respect of the germination of a proposed consignment of seeds has not been completed, but a preliminary test of germination has shown that the seeds attain the appropriate minimum standard of germination specified in Schedule 2 and the seeds in other respects satisfy the appropriate requirements of the said Schedule, the seeds may, subject to the requirements of regulations 9(6) and 10, be sold. In the event of any such sale the seller of the seeds shall, upon or before delivering them to

(a) S.I. 1976/1283.

the purchaser, provide him with a statement that the seeds are marketed before the completion of the official germination test together with the result of the preliminary test of germination, and shall provide him with the result of the completed official test as soon as practicable, and in any case not later than seven days after being informed of the result.

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

(8) Notwithstanding the requirements of regulation 30(1) and (2) of the Seeds (National Lists of Varieties) Regulations 1979 or the equivalent provisions in any regulations made under the Act whereby the same may be superseded 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

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

(2) A sample of seeds taken for the enforcement of these regulations shall be divided into three parts of which one part shall be delivered or sent to the owner of the seeds or his representative, one part shall be delivered or sent to the Chief Officer of an Official Seed Testing Station and the remaining part shall be retained and be available for production to a court in accordance with section 26(7) of the Act: 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 Part II of Schedule 3 and the sample shall be divided accordingly.

(4) If a sample of seeds taken for the purposes of an official examination is found to have been taken from an insufficiently homogeneous seed lot, or otherwise not to have been taken in accordance with the rules set out in Schedule 3, no or no further official examination shall be made of that sample, and any findings or results obtained in the course of any such examination thereof already made shall be deemed null and void.

Certificates of taking and testing of a sample

7.—(1) A certificate in the form set out in Part I of Schedule 4 of the taking of a sample of seeds, adapted as appropriate for use 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

8.—(1) No person shall market in accordance with regulation 5(1)(*a*) a package of seeds (other than a package of uncertified pre-basic seeds, 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 re-used.

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

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

Labelling of packages

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

(2) (*a*) A package (other than a small package) or 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 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 Part I of Schedule 5, which shall be either an adhesive label or a label secured to the package by an alternative sealing device and shall be affixed in either case by a person authorised by the Minister in that behalf.

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

(3) A package (other than a small package) of 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 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 IA of Schedule 5 and, in the case of commercial seeds, 4, 5 and 6 in Part IB of Schedule 5: provided that if such particulars are printed indelibly 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 shall have affixed on the outside a label containing, as appropriate to the seeds, particulars of the matters specified and being of the colour also specified in Part II of Schedule 5: provided that if such particulars are printed indelibly on the outside of the package the said label shall not be required.

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

(6) If a person shall market seeds in accordance with regulation 5(5) or (6) a supplier's label affixed to the outside of the package shall, where the seeds are marketed in accordance with regulation 5(5), contain a statement of the germination of the seeds and, where the seeds are marketed in accordance with regulation 5(6), contain a statement of the germination of the seeds as ascertained on the preliminary test of germination, together in either case with the name and address of the seller and the reference number of the lot.

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

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

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

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

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

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

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

(11) Subject to the provisions of the Act and of these regulations no person shall, in the course of the marketing or the preparation for the marketing of any seeds by himself or by 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.

Records of transactions

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

Civil liabilities of sellers of seeds

11.—(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, certified seeds of the third generation or commercial seeds to which these regulations apply, whether given in pursuance of these regulations expressly or by implication arising from the description under which the seeds are sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the percentage of germination of the seeds, the percentage of analytical purity of the seeds, the content of seeds of other plant species and the varietal 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, the percentage of analytical purity, or to the content of seeds of other plant species and there are hereby prescribed in respect of such matters the limits of variation set out in Schedule 6.

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

(4) A purchaser who intends to obtain a test of seeds for the purposes of section 17(3) of the Act shall, not more than 10 days after delivery to him of the seeds, 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 to the purchaser) and a reasonable time on that day at which a sample of the seeds may be taken in the presence of himself or his representative and the purchaser shall afford to the seller reasonable facilities for that purpose.

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

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th July 1979.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

26th July 1979.

George Younger,
Secretary of State for Scotland.

3rd August 1979.

Nicholas Edwards,
Secretary of State for Wales.

Regulation 4(1)

SCHEDULE 1

KINDS OF SEEDS TO WHICH THE REGULATIONS APPLY

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

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

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

Varietal characteristics and purity

1. So far as the Minister can ascertain them, by the use of methods which shall include inspection of the crop and may include examination of a plot sown with a sample from the seed lot sown in the field and the consideration of any other relevant information available to him, the varietal characteristics shall be those recognised as those of the variety for the purposes of the National List or the Common Catalogue, and the standards of varietal purity specified in paragraph 8 below shall be met.

Crop inspections

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

3. Unless the crop's state of health is satisfactory so far as seed-borne diseases and organisms affecting the seeds are concerned, the inspection shall not proceed.

4. On inspection for varietal purity, the standards specified in paragraph 8 below must be met.

Previous cropping

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

Isolation distances

6. There shall be either a physical barrier or at least 2 metres of fallow between the seed crop and any crop likely to cause contamination in the seed.

7. For turnip rape, brown mustard, swede rape, black mustard, sunflower and white mustard the minimum distance from neighbouring crops of other varieties and species liable to cross-pollinate with the seed crop shall be for—

(*a*) crops to produce basic seed, 400 metres;

(*b*) crops to produce certified seed, 200 metres.

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

Varietal purity standards

8. (*a*) For crops of soya bean, flax and linseed the minimum varietal purity standards 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

(*b*) In the case of species other than soya bean, flax and linseed the crop shall have sufficient varietal identity and varietal purity.

(*c*) On and after 1st January 1981, in crops of turnip rape, brown mustard, swede rape, black mustard, sunflower and white mustard the number of plants of the crop species which are recognisable as obviously not being true to variety shall not exceed one per ten square metres.

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 the identity and varietal purity specified in Part I.
2. The seeds shall comply with the following standards:—

		Analytical purity		Maximum content by number of seeds of other plant species in a sample of the weight specified in Part II of Schedule 3						
Kind	Minimum germination (% of pure seed)	Minimum analytical purity (% by weight)	Maximum content of seed of other plant species (% by weight)	Other plant species (*)	Wild oat (*Avena fatua, A. ludoviciana, A. sterilis*)	Dodder (*Cuscuta* spp.)	Wild radish (*Raphanus raphanistrum*)	Dock (*Rumex* spp. excl. *R. acetosella*)	Blackgrass (*Alopecurus myosuroides*)	*Lolium remotum*
1	2	3	4	5	6	7	8	9	10	11
Brassica species										
—Basic Seed	85	98	0·3	—	0	0 (†)	10	5		
—Certified Seed	85	98	0·3	—	0	0 (†)	10	20		
Sunflower	85	98	—	5	0	0				
Flax	92	99	—	15	0	0 (†)			4	2
Linseed	85	99	—	15	0	0 (†)			4	2
Soya bean	80	98	—	5	0	0				
White mustard										
—Basic Seed	85	98	0·3	—	0	0 (†)	10	5		
—Certified Seed	85	98	0·3	—	0	0 (†)	10	20		

(*) The maximum content of seeds laid down in Column 5 include also the seeds of the kinds in columns 6 to 11.
(†) The presence of one seed of dodder (*Cuscuta* spp.) in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of dodder.

3. The seeds shall be of a satisfactory state of health as far as seed-borne organisms and diseases affecting the seeds are concerned. In particular the seeds shall not exceed the following standards:

Kind	Harmful Organisms		
	Maximum percentage by number of seeds contaminated by harmful organisms (total per column)		*Sclerotinia sclerotiorum* (maximum number of *sclerotia* or fragments of *sclerotia* in a sample of the weight specified in column 4 of Schedule 3)
	Botrytis spp.	*Alternaria* spp. *Phoma exigua* var. *linicola*, *Colletotrichum lini*, *Fusarium* spp.	
1	2	3	4
Turnip rape Swede rape			5
Sunflower	5		10
Flax & Linseed	5	5 (*)	
White mustard			5

(*) In flax the maximum percentage by number of seeds contaminated by *Phoma exigua* var. *linicola* shall not exceed 1%.

B. COMMERCIAL SEEDS

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

Regulations 6(1) and (3), 11(5)

SCHEDULE 3

PART I

RULES FOR THE TAKING OF SAMPLES

1. Before sampling a seed lot shall be well mixed so as to be as homogeneous as is practicable.

2. When the seed lot is in sacks or other similar sized containers, the number of containers to be sampled shall be in accordance with the following 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 1 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 50kg a 100kg weight of seed is taken as the basic unit. Containers shall be combined to form sampling units weighing a maximum of 100kg (e.g. 5 containers each of 20kg form one unit). For sampling purposes each unit shall be regarded as one container and the sampling intensity prescribed above shall be used.

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

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

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

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

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

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

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

Where it is not practicable to sample seeds in sacks or other containers in the manner already described, portions may be taken by hand, care being taken to

keep the fingers tightly closed about the seeds so that none may escape as the hand is withdrawn. If necessary, in order to reach the lower levels, part of the contents shall be emptied into another sack or other container.

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

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

(*c*) *Seeds in bulk*

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

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

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

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

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

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

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

PART II

LOT AND SAMPLE WEIGHTS

Kind	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for determinations by number provided for in columns 5–11 of paragraph 2, and 4 of paragraph 3, of Part II of Schedule 2 (grams)
1	2	3	4
Turnip rape	10	200	70
Brown mustard	10	200	40
Swede rape	10	200	100
Black mustard	10	200	40
Sunflower	20	1000	1000
Flax & Linseed	10	300	150
White mustard	10	400	200
Soya bean	20	1000	1000

Regulation 7(1) and (2)

SCHEDULE 4

PART I

CERTIFICATE OF THE TAKING OF A SAMPLE OF SEEDS

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

PLANT VARIETIES AND SEEDS ACT 1964—SECTION 26(3)

THE OIL AND FIBRE PLANT SEEDS REGULATIONS 1979

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

On the premises of

Name .....

Address .....

.....

.....

Kind .....

Variety .....

Category .....

Certificate or reference number .....

Date of sampling .....

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

I certify that in taking the sample referred to above I used the method of sampling prescribed in Schedule 3 to the Oil and Fibre Plant Seeds Regulations 1979.

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

Date .....

PART II

CERTIFICATE OF THE RESULT OF A TEST OF SEEDS

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

PLANT VARIETIES AND SEEDS ACT 1964
THE OIL AND FIBRE PLANT SEEDS REGULATIONS 1979

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)

Official Station Sample No. .....
Control Sample No. .....
Date Received at Station .....
Date of Sampling .....
Quantity Sampled .....
Quantity Represented .....

Description

Kind		Variety	
Category		Reference No.	

Result of Test

% Pure seeds	% Inert matter	% Other seeds

Inert matter
Other seeds
Number of seeds

Other plant species		
Avena fatua. A. ludoviciana A. sterilis		
Cuscuta spp.		
Raphanus raphanistrum		
Rumex spp. other than *Rumex acetosella*		
Alopecurus myosuroides		
Lolium remotum		

Number of pieces

Sclerotia of Sclerotinia sclerotiorum		

Germination % Fresh seed %

REMARKS

Date.....

CHIEF OFFICER

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

SCHEDULE 5

PART I

A. OFFICIAL LABEL FOR A 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. Certifying Authority and Member State or their mark
3. Month and year when officially sealed
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
10. Where weight is indicated and granulated pesticides or other solid additives are used the nature of the additive and also the approximate ratio between the weight of seeds and the total weight

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

(c) The label shall be coloured 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.

B. OFFICIAL LABEL FOR A PACKAGE OF COMMERCIAL SEEDS

(a) Prescribed contents

1. "EEC rules and standards"
2. Service responsible for sealing and Member State or their mark
3. Month and year when officially sealed
4. Reference number of the lot
5. Kind
6. "Commercial seed (not certified as to variety)"
7. Country of production or region of production within a country
8. Declared net or gross weight or declared number of seeds
9. Where weight is indicated and granulated pesticides or other solid additives are used the nature of the additive and also the approximate ratio between the weight of seeds and the total weight

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

(c) The label shall be coloured brown.

C. 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 when officially sealed
3. Reference number of the lot
4. Kind
5. Variety
6. "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 II

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 label or his identification mark
2. Reference number of the lot
3. Kind
4. Variety
5. "Uncertified pre-basic seeds"
6. Declared net or gross weight or declared number of seeds except in the case of packages not exceeding 15 grams net weight

(b) The label shall be coloured buff.

PART III

SMALL PACKAGES

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

(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 except in the case of packages not exceeding 15 grams net weight
8. "Passed for marketing in the United Kingdom only"

(b) The label shall be coloured white 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 IV

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

1. "Complies with legal standards"
2. Kind
3. Variety (if appropriate).

Regulation 11(2)

SCHEDULE 6

LIMITS OF VARIATION

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

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
96·5–96·9	1·1
95·5–96·4	1·2
95·0–95·4	1·3

CONTENT OF SEEDS OF OTHER SPECIES

Maximum seeds per cent	*Limit of variation* per cent
0·0	0·1
0·1–0·2	0·3
0·3–0·4	0·4
0·5	0·5

NUMBER OF SEEDS OF OTHER SPECIES

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
35–40	15
41–45	16
46–50	17

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations supersede the Oil and Fibre Plant Seeds Regulations 1976 (S.I. 1976/1284), which are revoked.

They regulate the marketing in Great Britain of seeds of oil and fibre plants, but exclude seeds used for research, experiment or selection processes, and uncleaned seeds marketed with a view to processing or other treatment.

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

The regulations make changes to the superseded regulations' labelling requirements and seed standards in accordance with amending directives of the EEC, (for details see below), and to definitions, to references to other statutory instruments and to provisions relating to general licences and the sampling of seeds. Schedules include details of the standards to be attained by the different categories of seeds and the crops from which they are derived. There are also procedures for the taking of samples and lists of the particulars to appear on labels on packages of seeds.

The regulations give effect to Directive 66/402/EEC of the Council of the European Economic Community (O.J. No. L125, 11.7.66) on the marketing of seeds of oil and fibre plants, as last amended by Directives 78/55/EEC and 78/692/EEC of the Council (O.J. No. L16, 20.1.78 and O.J. No. L236, 26.8.78) and Directive 78/388/EEC of the Commission of the European Economic Community (O.J. No. L113, 25.4.78).

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