

**2012 No. 3035**

**SEEDS, ENGLAND**

**The Seed Marketing (Amendment) Regulations 2012**

*Made* - - - - *3rd December 2012*

*Laid before Parliament* *10th December 2012*

*Coming into force* - - *31st December 2012*

The Secretary of State makes these Regulations in exercise of the powers in sections 16(1), (1A), (2), (3), (5) and 36 of the Plant Varieties and Seeds Act 1964(a), after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to be concerned, and in exercise of the powers in paragraph 1A of Schedule 2 to the European Communities Act 1972(b).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(c) and it appears to the Secretary of State that it is expedient for the reference in these Regulations to Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries(d) to be construed as a reference to that Decision as amended from time to time.

**Citation and commencement**

1. These Regulations may be cited as the Seed Marketing (Amendment) Regulations 2012 and come into force on 31st December 2012.

**Amendment of the Seed Marketing Regulations 2011**

2. The Seed Marketing Regulations 2011(e) are amended as follows.

**Regulation 3 (interpretation of other terms)**

3. In regulation 3(2)—

(a) at the end of sub-paragraph (g), omit “and”;

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- (a) 1964 c.14. Section 16 has been amended by the European Communities Act 1972 (c.68), section 4 and Schedule 4, paragraph 5; S.I. 1977/1112; and the Agriculture Act 1986 (c. 49), section 2. See section 38(1) for the definition of “the Minister”. Under the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 which remained vested in that Minister were transferred to the Secretary of State.
- (b) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006 (c. 51), section 28, and amended by the European Union (Amendment) Act 2008 (c.7), and Part 1 of the Schedule.
- (c) Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006, section 27(1)(a) and the European Union (Amendment) Act 2008, Part 1 of the Schedule.
- (d) OJ No L 8, 14.1.2003, p. 10, as last amended by Council Decision 2007/780/EC (OJ No L 314, 1/12/2007, p. 20).
- (e) S.I. 2011/463, amended by S.I. 2011/2992.

(b) after sub-paragraph (h), insert—

“and

(i) Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries;” and

(c) for “those Directives”, substitute “those instruments”.

#### **Licences for temporary experiments**

4. After regulation 21, insert—

##### **“Licences for temporary experiments**

**21A.** The Secretary of State may by licence exempt any person or class of person from compliance with any provision of these Regulations for the purposes of a temporary experiment organised under—

- (a) Article 19 of Council Directive 2002/54/EC on the marketing of beet seed**(a)**;
- (b) Article 13a of Council Directive 66/402/EEC on the marketing of cereal seed**(b)**;
- (c) Article 13a of Council Directive 66/401/EEC on the marketing of fodder plant seed**(c)**;
- (d) Article 16 of Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants**(d)**; or
- (e) Article 33 of Council Directive 2002/55/EC on the marketing of vegetable seed**(e)**.  
”.

#### **Schedule 2 (certification requirements)**

5. In paragraph 24 of Schedule 2, after “peas,” insert “lucerne (*Medicago sativa*),”.

#### **Schedule 3 (labelling and loose sales)**

6. In paragraph 9(1)(g) of Schedule 3, after “granulated” insert “pesticides”.

3rd December 2012

*de Mauley*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

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(a) OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive 2004/117/EC (OJ No L 14, 18.1.2005, p. 18).  
(b) OJ No L 125, 11.7.1966, p. 2309 (OJ/SE 1965 – 66, p. 143), as last amended by Commission Implementing Directive 2012/1/EU (OJ No L 4, 7.1.2012, p. 8).  
(c) OJ No L 125, 11.7.1966, p. 2298 (OJ/SE 1965 – 66, p. 132), as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).  
(d) OJ No L 193, 20.7.2002, p.74, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).  
(e) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Seed Marketing Regulations 2011 (S.I 2011/463) (“the principal Regulations”).

Regulation 3 adds Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries (OJ No L8, 14.1.2003, p. 10) to the list of EU instruments in respect of which references in the principal Regulations are to be construed as references to those instruments as amended from time to time.

Regulation 4 allows the Secretary of State to license exemptions for temporary experiments organised under any of the five European Directives on the marketing of, respectively, beet seed, cereal seed, fodder plant seed, seed of oil and fibre plants and vegetable seed. Other provisions of these Directives are already implemented (in relation to England) by the principal Regulations.

Regulation 5 amends the definition of certified seed to include lucerne (*Medicago sativa*) amongst the seeds to which it does not apply and regulation 6 amends one of the requirements as regards the content of an official label on a mixture of seed.

An impact assessment has not been produced as no impact, or no significant impact, on the private, voluntary or public sectors is foreseen.

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STATUTORY INSTRUMENTS

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The Seed Marketing (Amendment) Regulations 2012

£4.00

E5163 12/2012 125163T 19585

ISBN 978-0-11-153181-5



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