

Statutory Instrument 1993 No. 2005

## The Cereal Seeds Regulations 1993

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### STATUTORY INSTRUMENTS

1993 No. 2005

#### SEEDS

#### The Cereal Seeds Regulations 1993

Made

2nd August 1993

Laid before Parliament

11th August 1993

Coming into operation

1st September 1993

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) and 36 of the Plant Varieties and Seeds Act 1964[1] and now vested in them[2] and of all other powers enabling them in that behalf, after consultation in accordance with the said section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:—

Title, extent and commencement

1. These Regulations may be cited as the Cereal Seeds Regulations 1993, shall apply to Great Britain and shall come into operation on 1st September 1993.

Revocation of previous regulations

2. The Cereal Seeds Regulations 1985[3], the Cereal Seeds (Amendment) Regulations 1987[4] and the Cereal Seeds (Amendment) Regulations 1989[5] are hereby revoked.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires—  
"the Act" means the Plant Varieties and Seeds Act 1964;

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

"Higher Voluntary Standard" means the standards for wheat, durum wheat, spelt wheat, barley and oats which—

(a) are higher than the minimum standards prescribed for Basic Seed, Certified Seed of the First Generation and

Certified Seed of the Second Generation, and

(b) are specified in Schedule 4,

being the standards and the level in respect of which an official certificate has been issued in accordance with Schedule 2;

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

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

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

(b) under which the seeds are made over by one person to another in pursuance of a contract under which the seeds will be used for producing further seeds or for producing plants or parts of plants for human or animal consumption;

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

"Member State" means a Member State of the 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 cereals for the time being published in accordance with the Seeds

(National Lists of Varieties) Regulations 1982[6];

"official certificate" means a certificate issued by the Minister in accordance with Schedule 2 subject to the payment of any

fees payable under seeds regulations and containing in respect of the seed to which it relates the particulars specified in

Schedule 3 and "officially certified" shall be construed accordingly;

"official examination" means—

(a) an examination carried out by or on behalf of the Minister, subject to an application for such examination having

been made to the Minister in such form and manner and at such time as the Minister may, at his discretion, require and

to the payment of any fees payable under seeds regulations,

(b) an examination carried out by or on behalf of the Department of Agriculture for Northern Ireland, or

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

"official label" means a label issued or authorised by the Minister, subject to the payment of any fees payable under seeds

regulations, and "official inner label" shall be construed accordingly;

"seed lot" means an identifiable consignment of seeds of a weight not exceeding that specified in Part II of Schedule 5,

bearing a unique reference number, in which the seeds shall have been so mixed or blended that, as far as is practicable, the

seed lot shows no evidence of heterogeneity;

"seeds regulations" means regulations made under section 16 of the Act and for the time being in force;

"small package" means a package containing a net weight of not more than 15 kilograms of Pre-basic Seed, Basic Seed,

Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or a mixture of seeds.

(2) 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.

(3) In these Regulations—

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

(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 Seed or Basic Seed;

"Breeder's Seed" means seeds of oats, barley, wheat, durum wheat, spelt wheat, triticale or rye of a generation earlier than that of Pre-basic Seed—

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

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

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

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

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

(b) which—

(i) as respects seeds of maize, have been produced from Uncertified Pre-basic Seed, or from Pre-basic Seed,

and are intended for the production of Pre-basic Seed, Basic Seed or, with the written authority of the maintainer, Certified Seed, or

(ii) as respects seeds of oats, barley, wheat, durum wheat, spelt wheat, triticale or rye, have been produced—

(a) from Breeder's Seed, and is intended to be used for the production of Pre-basic Seed or Basic Seed, or with the written authority of the maintainer and the Minister, Certified Seed, Certified Seed of the First Generation or Certified

Seed of the Second Generation, or

(b) from Pre-basic Seed, and is intended to be used for the production of Pre-basic Seed, Basic Seed or, with the

written authority of the maintainer, Certified Seed, Certified Seed of the First Generation or Certified Seed of the

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

"Basic Seed" means—

- (a) seeds of oats, barley, wheat, durum wheat, spelt wheat, rye and triticale, other than hybrids of rye and of triticale,
  - (i) which have been produced by or under the responsibility of the maintainer from Pre-basic Seed or, with the written authority of the Minister, from Breeder's Seed,
  - (ii) which are intended for the production of Certified Seed of the First Generation or Certified Seed of the Second Generation, and
  - (iii) which satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;
- (b) seeds which are intended for the production of hybrids of oats, barley, wheat, durum wheat, spelt wheat and rye,
  - (i) which have been produced by or under the responsibility of the maintainer from Pre-basic Seed or, with the written authority of the Minister from Breeder's Seed, and
  - (ii) which satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;
- (c) seeds of open pollinated varieties of maize,
  - (i) which have been produced from Uncertified Pre-basic Seed or Pre-basic Seed by or under the responsibility of the maintainer,
  - (ii) which are intended for the production of Certified Seed of the same variety, top cross hybrids or inter-varietal hybrids, and
  - (iii) which satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;
- (d) seeds of inbred lines of maize, which have been produced from Uncertified Pre-basic Seed or Pre-basic Seed and which satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;
- (e) seeds of single cross hybrids of maize,
  - (i) which have been produced from Uncertified Pre-basic Seed or Pre-basic Seed and are intended for the production of double cross hybrids, threeway cross hybrids or top cross hybrids, and
  - (ii) which satisfy the requirements for Basic Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Certified Seed" means seeds of maize and rye and hybrids of oats, barley, wheat, durum wheat and spelt wheat—

- (a) which have been produced directly from Basic Seed or,
  - (i) in the case of maize, with the written authority of the maintainer, from Pre-basic Seed, or
  - (ii) in the case of rye and hybrids of oats, barley, wheat, durum wheat and spelt wheat,
    - (a) with the written authority of the maintainer, directly from Pre-basic Seed which has itself been produced from Pre-basic Seed, or
    - (b) with the written authority of the maintainer and the Minister, directly from Pre-basic Seed which has been produced from Breeder's Seed,
- (b) which are intended mainly for the production of plants or parts of plants for human or animal consumption, and
- (c) which satisfy the requirements for Certified Seed set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2;

"Certified Seed of the First Generation" means seeds of oats, barley, wheat, durum wheat, spelt wheat and triticale—

- (a) which have been produced,
  - (i) directly from Basic Seed, or
  - (ii) with the written authority of the maintainer, directly from Pre-basic Seed which has been produced from Pre-basic Seed, or
  - (iii) with the written authority of the maintainer and the Minister, directly from Pre-basic Seed which has been produced from Breeder's Seed,
- (b) which are intended either for the production of Certified Seed of the Second Generation or mainly for the production of plants or parts of plants for human or animal consumption, and
- (c) which satisfy the requirements for Certified Seed of the First Generation set out in Schedule 4 and in respect of which an official certificate has been issued in accordance with Schedule 2.

"Certified Seed of the Second Generation" means seeds of oats, barley, wheat, durum wheat and spelt wheat—

- (a) which have been produced,
  - (i) directly from Basic Seed or Certified Seed of the First Generation, or
  - (ii) with the written authority of the maintainer, directly from Pre-basic seed which has been produced from Pre-basic seed, or
  - (iii) with the written authority of the maintainer and the Minister, directly from Pre-basic Seed which has been produced from Breeder's Seed,
- (b) which are intended mainly for the production of plants or parts of plants for human or animal consumption, and
- (c) which satisfy the requirements for Certified Seed of the Second Generation set out in Schedule 4 and in respect of

which an official certificate has been issued in accordance with Schedule 2.

(4) For the purposes of these Regulations seeds marketed in accordance with regulation 5(1)(b) or (c) below shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (3) above.

(5) In these Regulations, in relation to the varieties, inbred lines and hybrids of maize—

"open pollinated variety" means a sufficiently uniform and stable variety;

"inbred line" means a sufficiently uniform and stable line, obtained either by artificial self-fertilisation together with selection over several successive generations or by equivalent operations;

"single cross hybrid" means the first generation of a cross between two inbred lines, defined by the maintainer;

"double cross hybrid" means the first generation of a cross between two single cross hybrids, defined by the maintainer;

"three way cross hybrid" means the first generation of a cross between an inbred line and a single cross hybrid, defined by the maintainer;

"top cross hybrid" means the first generation of a cross between either an inbred line or a single cross hybrid and an open pollinated variety, defined by the maintainer;

"inter-varietal hybrid" means the first generation of a cross between plants grown from Basic Seed of two open pollinated varieties, defined by the maintainer.

Seeds to which the Regulations apply

4.—(1) Subject to paragraph (2) and (3) below, these Regulations apply to cereal seeds of the kinds set out in Schedule 1 being seeds intended to be used only for the production of agricultural crops.

(2) These Regulations shall not apply to—

(a) seeds which are marketed for delivery elsewhere than in a Member State,

(b) seeds used or to be used for research or experiment,

(c) seeds used or to be used in the course of a process of selection, and

(d) seeds which are marketed with a view to processing, treatment or cleaning,

where the identity of the seeds is stated by

the person by whom they are marketed.

(3) Where a person ("the first person") makes an arrangement under which some other person ("the second person") uses seeds

which are under the control of the first person for the purpose of—

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

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

#### Marketing of seeds

5.—(1) Subject to the provisions of this regulation, no person shall market any seeds unless they are seeds of plant varieties

which may be marketed in accordance with regulation 31 of the Seeds (National Lists of Varieties) Regulations 1982 unless they are marketed in seed lots or in parts of seed lots and unless they are—

(a) Uncertified Pre-basic Seed, Breeder's Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation or

Certified Seed of the Second Generation, or

(b) seeds which have been produced and packaged in a Member State other than the United Kingdom, which have been

labelled appropriately in accordance with the requirements of regulation 9(1), (2), (3), (4), (5), (6), (8), (9), (10), (11) and

(13) and which—

(i) in the case of a small package of seeds, have been sealed in accordance with the requirements of regulation 8(3),

or

(ii) in the case of all other seeds, have been officially sealed in a Member State other than the United Kingdom, or

(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, which

licence shall have effect during the period specified in it unless the Ministers earlier revoke it.

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

(a) a mixture of kinds of seeds to which these Regulations apply,

(b) a mixture of varieties of a kind of seeds to which these Regulations apply, being a mixture which is effective, as such, in

reducing the incidence of a disease or pest of plants, or

(c) kinds or varieties of seeds to which these Regulations apply included in mixtures of seeds permitted by the Fodder Plant

Seeds Regulations 1993[7],

but each constituent of such mixtures, to which these Regulations apply, shall consist of seeds meeting the requirements of paragraph

(1) above.

(3) The Minister may, by a general licence which may impose conditions and which shall have effect during the period specified

in it unless the Minister earlier revokes it,—



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

(b) modify the labelling requirements set out in Schedule 6,

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

(d) authorise any person to market—

(i) Basic Seed produced directly from Breeder's Seed,

(ii) Certified Seed produced directly from Pre-basic Seed,

(iii) Certified Seed of the First Generation produced directly from Pre-basic Seed,

(iv) Certified Seed of the Second Generation produced directly from Pre-basic Seed,

(e) authorise any person to market seeds in respect of which an official certificate has not been issued in accordance with paragraph 1 of Schedule 2, but in all other respects, unless expressly otherwise stated in the licence, the provisions of these Regulations shall apply in relation to the marketing of the seeds.

(4) Any person may market to a person engaged in the business of trading in seeds, other than by way of retail sale, seeds which have been imported from a country other than a Member State notwithstanding that such marketing would otherwise be prohibited by virtue of paragraph (1)(c) above.

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

(6) In a case where the official examination in respect of the germination of any seed lot has not been completed, but a preliminary test of germination has shown that the seeds attain the appropriate minimum standard of germination specified in Part II of Schedule 4 and the seeds in other respects satisfy the appropriate requirements of the said Schedule, the seed lot or any part of the seed lot may, subject to the requirements of paragraph (8) below and regulations 8 and 9, be marketed. In the event of any such marketing the seller of the seeds shall, upon or before delivery, provide the purchaser with a written statement that the seeds are

marketed before the completion of the official germination test together with the result of the preliminary test of germination. In the event of the official germination test showing the failure of the seeds to comply with the minimum germination standard by paragraph 3 of Part II of Schedule 4 for seeds of that kind, the seller shall provide the purchaser with the result of the completed test, in writing, as soon as practicable and in any event not later than seven days after being informed of it.

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

(8) A person who sells any seeds in accordance with paragraph (6) above shall make and, during a period of twelve months following the delivery of the seeds, keep available for inspection by an officer of the Minister a record of the date of such delivery, of the reference number of the seed lot delivered, of the name and address of the purchaser, of the date on which the preliminary test of germination was carried out and of the result of that test and, if appropriate, the date on which the purchaser was informed of the result of the completed official germination test.

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

(10) Where seeds are sampled for the official examination referred to in paragraph 2(c) of Schedule 2 in an untreated state and are subsequently subjected to chemical treatment the seller shall, upon or before delivering the seed

#### Official certificates

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

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

(b) shall be made not later than the fifteenth day of March of the second year following the year of harvest of the crop from which the seed lot is obtained or within such other time as the Minister may allow.

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

(3) An official certificate which has been issued by the Minister may be withdrawn by him in respect of either the whole of a seed  
lot or any part of a seed lot and any seeds from which an official certificate has been so withdrawn shall be deemed not to have  
been officially certified if—  
(a) the results of an official examination of the seeds in respect of which the official certificate has been issued are declared  
null and void in accordance with paragraph (2) of regulation 7, or  
(b) information has been received by him which, if known to him before the official certificate was issued, would have  
resulted in the application for its issue being refused on the grounds that the seeds did not meet the requirements of seeds  
regulations.

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

#### Sampling

7.—(1) A sample of seeds taken for the purposes of an official examination shall be taken, subject to the payment of any fees  
payable under seeds regulations, by a person authorised by the Minister in that behalf and in accordance with the requirements  
contained in Schedule 5.

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

#### Sealing of packages

8.—(1) No person shall market in accordance with regulation 5(1)(a) or (2), a package (other than a package of Uncertified  
Pre-basic Seed or a small package of seeds) of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the  
First Generation, Certified Seed of the Second Generation or a mixture of seeds unless it has been, not later than at the time of  
sampling, sealed by or under the supervision of a person authorised by the Minister in that behalf 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 above or imported in accordance with regulation 5(1)(b) or (c) shall have been opened it may not be re-sealed or further re-sealed except by or under the supervision of a person authorised by the Minister in that behalf.

(3) No person shall market a package of Uncertified Pre-basic Seed or a small package of seeds in accordance with regulation 5(1)(a) or (2) unless it has been sealed with a sealing device 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 (12) below, no person shall market any seeds in accordance with regulation 5(1)(a) or (2) except in a package which, not later than at the time of sealing, is labelled, inscribed or otherwise dealt with in accordance with this regulation.

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

(3) If in accordance with regulation 5(5) a person shall market any Breeder's Seed, Pre-basic Seed or Basic Seed of a lower percentage of germination than that specified in Schedule 4 the fact be stated on the official label, or included in the particulars printed or stamped on the package in accordance with paragraph (5) of this regulation and a supplier's label affixed to the outside of the package shall contain a statement of the germination of the seeds together with the name and address of the seller and the reference number of the lot.

(4) A person who markets a package (other than a small package) containing a mixture of seeds shall, with the seeds or not later than 14 days after the sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing on a label attached to the package, or on the package itself or on an invoice or other document associated with the seeds, containing particulars, as appropriate to the seeds, of the matter specified in Part I E of Schedule 6.

(5) Notwithstanding paragraphs (2), (3) and (4) above, a package (other than a small package) of Basic Seed, Certified Seed,

Certified Seed of the First Generation or Certified Seed of the Second Generation may be marked if—

(a) the appropriate particulars of the matters specified in Part I of Schedule 6 are printed or stamped indelibly on the

package in a panel of at least the size and of the colour so specified, and

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

(6) A package (other than a small package) of Breeder's Seed, Pre-basic Seed, Certified Seed, Certified Seed of the First

Generation, Certified Seed of the Second Generation or a mixture of seeds all shall contain an official inner label which shall be of the

same colour as, and in addition to, the official label affixed to the outside of the package in accordance with paragraph (2) above. The

official inner label shall contain particulars of the reference number of the lot and of the kind or, in any case of a mixture of the

proprietary name of the mixture or of the kinds of the constituents and, in case of Breeder's Seed, Pre-basic Seed, Basic Seed,

Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation, of the variety; except that if such

particulars are printed indelibly on the outside of the package or if the official label is an adhesive or a tear-resistant label the official

inner label referred to in this paragraph shall not be required.

(7) A package of Uncertified Pre-basic Seed 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 6; except that if such particulars are

printed indelibly on the outside of the package, the said label shall not be required.

(8) 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 6; except that if such particulars are printed indelibly

on the outside of the package, the said label shall not be required.

(9) A person who markets a small package containing a mixture of seeds shall, with the seeds or no later than 14 days after the

sale or delivery (whichever is the later) of the seeds, give to the purchaser a statement in writing, on a label attached to the package,

on the package itself or on an invoice or other document associated with the seeds, containing particulars as appropriate to the

seeds of the matters specified in Part IE of Schedule 6.

(10) If a package of seeds shall have been re-sealed in accordance with regulation 8(2) above this fact shall be stated on the

official label, together with the month and year of re-sealing and the name of the authority responsible for the re-sealing.

(11) If any seeds have been subjected to any chemical treatment this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either—  
(a) on a separate supplier's label, or  
(b) on the label referred to in paragraph (2), (3), (4), (5), (7), (8) or (9) above or, where such a label is not required, with the particulars otherwise given in accordance with those paragraphs, and also, except where the label referred to in paragraph (2), (3), (4), (7), (8) or (9) above is not required or where the information prescribed by this paragraph is given on an adhesive or tear-resistant label, either on the outside of the package or in a statement enclosed in the package.

(12) A person may sell any seeds otherwise than in a package which is labelled, inscribed or otherwise dealt with in accordance with this regulation where—  
(a) the seeds are sold by way of retail sale in a quantity not exceeding 5 kilograms, and  
(b) the seeds are taken, in the presence of the purchaser, from a container on which there is clearly and visibly marked or near which there is clearly and visibly displayed a statement containing particulars of the matter specified in Part IV of Schedule 6.

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

(14) 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 any other person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label affixed to, contained in or marked on any package of seeds or which is to be so affixed, contained or marked.

#### Civil liabilities of sellers of seeds

10.—(1) The particulars given to a purchaser by the seller of seeds to which these Regulations apply, whether given in pursuance of these Regulations expressly or by implication arising from the description under which the seeds are sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the category of the seeds, the level of the seeds, the percentage germination of the seeds, the percentage analytical purity of the seeds, the content of seeds of other plants species and the varietal identity and varietal purity of the seeds or, in the case of a mixture of seeds permitted by regulation 5(2), of each of its constituents to which these Regulations apply.

(2) Section 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) above, in so far as they relate to the percentage germination, the percentage analytical purity, or 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 7.

(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) above, in so far as they relate to the percentage germination, the percentage analytical purity or the content of seeds of other plant species.

(4) A purchaser who intends to obtain a test of seeds for the purposes of section 17(3) of the Act shall, not been more than 10 days after delivery to him of the seeds or of the particulars prescribed in regulation 9(4) or (9) (whichever is the later), give to the seller written notice of his intention and thereupon the seller may indicate a day (not being more than 21 days after the delivery of the seeds or of the said particulars, whichever is the later, to the purchaser) and a reasonable time on that day at which a sample of the seeds may be taken in the presence of himself or 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) above or, if the seller shall have failed to appoint such a day and time, on a day not more than 28 days after delivery of the seeds or of the said particulars (whichever is the later) to the purchaser, the purchaser or his representative may, and if the seller or his representative is present shall, take a sample of seeds. Such sample shall be taken and divided by the purchaser or his representative into two parts in accordance with the requirements contained in Part I of Schedule 5, each part being of at least the appropriate minimum weight specified in Part II of Schedule 5, 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

Gillian Shephard

Minister of Agriculture, Fisheries and Food

30th July 1993.

Hector Monro

Parliamentary Under Secretary of State, Scottish Office

2nd August 1993

John Redwood

Secretary of State for Wales

29th July 1993

Notes:

[1] 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. See section 38(1) for a definition of "the Ministers". [back](#)

[2] In the case of the Secretary of State for Wales by virtue of S.I. 1978/272. See section 38(1) for a definition of 'the Minister'. [back](#)

[3] S.I. 1985/976. [back](#)

[4] S.I. 1987/1091. [back](#)

[5] S.I. 1989/1311. [back](#)

[6] S.I. 1982/844 amended by S.I. 1985/1529, 1989/1314, 1990/1353, 1992/1615. [back](#)

[7] S.I. 1993/2009. [back](#)

## **SCHEDULE 1**

Regulation 4(1)

KINDS OF SEEDS TO WHICH THE REGULATIONS APPLY



Latin Name	Common Name
Avena sativa L. ....	Oats
Hordeum vulgare L.....	Barley
Secale cereale L.....	Rye
xTriticosecale Wittm.....	Triticale
Triticum aestivum L. emend. Fiori et Paol.....	Wheat
Triticum durum Desf. ....	Durum wheat
Triticum spelta L.....	Spelt wheat
Zea mays L. (partim) except for Zea mays..... convar. microsperma Koern. and Zea mays  convar. saccharata Koern. ....	Maize except for Popcorn and Sweet corn

## SCHEDULE 2

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

### OFFICIAL CERTIFICATES

1. On receipt of an application made in accordance with regulation 6(1) for the issue of an official certificate in respect of a seed lot of Breeder's Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation the Minister shall, subject to paragraphs 2 and 3 below and to the payment of any fees payable under seeds regulations, issue in respect of such seed lot an official certificate containing the particulars specified in Schedule 3.
2. The Minister shall refuse to issue an official certificate in respect of a seed lot unless—
  - (a) an application has been made to the Minister, in such form and manner and at such time as he may require, for

registration by him of—

- (i) the seed lot or seed lots to be used for the production of the crop or crops from which the seed lot is to be obtained, and
  - (ii) the crop or crops from which the seed lot is to be obtained
- (b) an official examination of the crop or crops from which the seed lot was obtained shall have shown that the crop or crops meet the standards appropriate to the category and the level set out in Part I of Schedule 4; and
- (c) an official examination of a sample of the seed lot shall have shown that the seeds meet the standards appropriate to the category and the level set out in Part II of Schedule 4; except that—
- (i) paragraphs 2(a) and (b) above, and sub-paragraph 2(c) above in so far as it relates to paragraph 1 of Part II of Schedule 4, shall not apply in relation to an application for the issue of an official certificate in respect of Breeder's Seed where the seed has been officially sampled for the purposes of official examination of a plot in accordance with paragraph 1 of Part I of Schedule 4,
  - (ii) paragraph 2(c) above, in so far as it relates to standards of germination set out in Part II of Schedule 4, shall not apply in relation to an application for the issue of an official certificate in respect of seeds which are marketed in accordance with and subject to the requirements of regulation 5(5), and
  - (iii) the Minister shall issue an official certificate in respect of a seed lot marketed in accordance with, and subject to any conditions imposed by, a general licence granted by the Minister under regulation 5(3).

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

- (a) a sample of the seed lot taken for the purpose of an official examination in order to ascertain whether the seed lot meets the appropriate standards set out in Part II of Schedule 4 has not been taken in accordance with the requirements contained in Schedule 5;
- (b) an official examination of a plot sown with a sample of the seed lot sown in the field shows that the crop does not meet the appropriate standards set out in Part I of Schedule 4;
- (c) there has been any breach of seeds regulations in relation to the seed lot in respect of which application for an official certificate has been made.

### **SCHEDULE 3**

Regulation 3(1)

## PARTICULARS TO BE SPECIFIED IN AN OFFICIAL CERTIFICATE

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

### SCHEDULE 4

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

#### REQUIREMENTS FOR BASIC SEED, CERTIFIED SEED AND CERTIFIED SEED OF THE FIRST AND SECOND GENERATIONS

##### PART I

##### CONDITIONS RELATING TO CROPS FROM WHICH SEEDS ARE OBTAINED

1. So far as the Minister can ascertain them, by the use of methods which shall include official examination of the crop and which 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, the requirements for the crop set out below shall be met.

##### Varietal identity and varietal purity

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

##### Crop inspections

3. The crop shall be officially examined in such manner and at such times (when the cultural condition of the field and the stage of development and condition of the crop are such as to permit suitable checks of varietal identity, varietal purity, species purity and wild oats contamination to be made) as the Minister may reasonably require.

##### Previous cropping

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

Isolation distances

5.

(a) There shall be a physical barrier or at least two metres of fallow or non-cereal crops between the crop and another cereal crop.

(b) For rye the minimum distance from neighbouring crops of other varieties of rye or crops of the same variety of rye of a lower category shall be:—

(a) Crops to produce Pre-basic Seed and Basic Seed ..... 300 metres

(b) Crops to produce Certified Seed ..... 250 metres

(c) For self-pollinating varieties of triticale the minimum distance from neighbouring crops or other varieties of triticale of a lower category shall

be—

(i) Crops to produce Pre-Basic Seed and Basic seed ..... 50 metres

(ii) Crops to produce Certified Seed ..... 20 metres

With the approval of the Minister these distances may be modified if there is adequate protection against undesirable pollen.

Standards for varietal purity, species purity and wild oats

6.

Crops to produce

Level

Varietal  
purity  
(excluding  
rye(002)  
and  
maize(003) )  
percentage  
by number

Species purity  
(excluding rye  
and maize)  
percentage by  
number

Wild oats(001) maximum number per hectare

oats

barley

wheat  
durum and  
spelt wheat

rye and maize

triticale

(001) Wild oats —Avena

fatua, Avena sterilis,

Avena

luoviciana. back(002) For

rye the number of plants of

the same crop species



Certified Seed of the First  
Generation

(005) Higher  
Voluntary  
Standard

Minimum  
Standard

99.9

99.7

99.99

No  
standard

Nil

Nil

7

20

7

50

50

—

—

—

50

Certified Seed of the  
Second Generation

(006) Higher  
Voluntary  
Standard

Minimum  
Standard

99.7

99.0

99.99

No  
standard

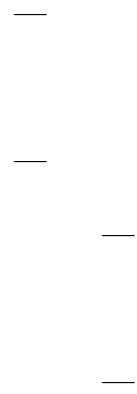
Nil

Nil

7

20

7



Standards for Loose Smut Infection

7.  
Barley, wheat, durum wheat, spelt  
wheat

percentage	Minimum Standard (maximum percentage by number)	Higher Voluntary Standard (maximum by number)
Basic Seed .....	0.5	0.1
Certified Seed of the First Generation .....	0.5	0.2
Certified Seed of the Second Generation .....	0.5	0.2

Seeds produced from a crop which has failed on official examination to meet the standards laid down by this paragraph may nevertheless be eligible for official certification—

(a) if they have been adequately treated by any method approved by the Minister for the control of loose smut, or

(b) if an embryo test carried out by an official seed testing station, on the sample submitted for official examination shows that the seeds meet those standards.

Special conditions for maize



8.

(a) For hybrid varieties the plant shall conform to the known characteristics of the parental lines.

(b) Notwithstanding the provisions of paragraph 3 of this part of this Schedule, in respect of maize, the cultural condition of the field must also permit sufficient checks of the varietal identity and the varietal purity of the inbred lines and of the emasculation of plants for the production of seeds of hybrid varieties.

(c) Unless there is adequate protection against undesirable pollen there should be a distance of at least 200 metres from neighbouring crops of other varieties or inbred lines or from crops of the same variety or inbred line of a lower category.

(d)

(i) The percentage by number of recognisable off-types shall not exceed, for the production of—

Basic Seed .....

0.1

Certified Seed of hybrid varieties .....

0.2

Certified Seed of open pollinated varieties .....

0.5

(ii) With regard to the emasculation of plants for the production of Certified Seed of hybrid varieties, the observed percentage of plants of the female parent ascertained to have emitted pollen shall not exceed one at any one official examination and shall not exceed two in all the official examinations carried out on the crop;

(iii) In the production of Certified Seed of hybrid varieties, all the parent plants shall flower sufficiently simultaneously.

## PART II

### CONDITIONS RELATING TO THE SEEDS

1. The seeds shall possess the varietal identity and the varietal purity (appropriate to the kind, category and level of the seeds) specified in Part I.

This condition shall be applicable by analogy to inbred lines of maize.

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

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

(a) Oats, barley, wheat, durum wheat and spelt wheat

Minimum Standard

Higher Voluntary Standard

Germination (% by number) All categories

85

85

Analytical Purity (% by weight) Basic Seed (except triticale)

	99	99
Basic Seed (triticale)	98	—
All other categories	98	99

In the case of varieties of *Avena sativa* which are officially classified as "naked oat" types the minimum germination standard is 75%. In such instances the official label shall be endorsed "minimum germination capacity 75%".

#### Sample Purity Standards

Minimum Standard-maximum number of other seeds or structures in 500 g.

Category

Seeds of Other Plant Species

All other species

Other  
cultivated  
cereal species

All species  
other than  
cultivated  
cereals

*Avena fatua* *Avena*  
*sterilis*, *Avena*  
*ludoviciana* (wild oats)  
or *Lolium temulentum*  
(darnel)

*Raphanus*  
*raphanistrum* (wild  
radish), or *Agrostemma*  
*githago* (corn cockle)

Ergot  
(pieces)

(007) Concerning the maximum content of seeds of other cereal species. Where the maximum content is fixed at one seed, a second seed shall not be regarded as an impurity, if a search of a further 500 g from the same submitted sample is free. back(008) Concerning the maximum content of seed of the species *Avena fatua*, *Avena sterilis*, *Avena ludoviciana* or *Lolium temulentum*. The presence of one seed of one of these species in 500 g shall not be considered an impurity if a search of a

further 500 g from the same submitted sample is free. back(009) Concerning the maximum content of seed of the species *Avena fatua*, *Avena sterilis*, *Avena ludoviciana* or *Lolium temulentum*. The presence of one seed of one of these species in 500 g shall not be considered an impurity if a search of a further 500 g from the same submitted sample is free. back  
Basic Seed

	4				
		1(007)			
			3		
				0(008)	
					1
					1
Certified Seed of the First Generation and Certified Seed of the Second Generation					
	10				
		7			
			7		
				0(009)	
					3
					3

Higher Voluntary Standard-maximum number of other seeds or structures in 1 kg sample  
Category

		Seeds of Other Plant Species
All other species		
Other cultivated cereal species		
All species other than cereal species		
<i>Avena fatua</i> , <i>Avena sterilis</i> , <i>Avena ludoviciana</i> or <i>Lolium temulentum</i>		
<i>Raphanus raphanistrum</i> or <i>Agrostemma githago</i> or <i>Bromus sterilis</i> (sterile brome) or <i>Agropyron repens</i> (Couch)		
Ergot (pieces)		

(010) In Basic Seed the nil standard shall apply in respect of

Raphanus raphanistrum and  
 Agrostemma githago only. back  
 Basic Seed

1  
 0  
 1  
 0  
 0(010)  
 0

Certified Seed of the First  
 Generation

2  
 1  
 1  
 0  
 1  
 1

Certified Seed of the Second  
 Generation

4  
 3  
 2  
 0  
 1  
 1

(b) Rye

Germination (% by number)

Basic and Certified Seed  
 85

Analytical Purity (% by weight)

Basic and Certified Seed  
 98

Sample Purity Standards

Maximum number of seeds in 500 g.

Category

Seeds of Other Plant Species

All other species

Other  
 cultivated  
 cereal species

All species  
 other than  
 cultivated  
 cereals

Avena fatua Avena  
 sterilis, Avena  
 ludoviciana or Lolium

temulentum

Raphanus  
raphanistrum or  
Agrostemma githago  
Ergot  
(pieces)

(011) Concerning the maximum content of seeds of other cereal species. Where the maximum content is fixed at one seed, a second seed shall not be regarded as an impurity, if a search of a further 500 g from the same submitted sample is free. back(012) Concerning the maximum content of seed of the species Avena fatua, Avena sterilis, Avena ludoviciana or Lolium temulentum. The presence of one seed of one of these species in 500 g shall not be considered an impurity if a search of a further 500 g from the same submitted sample is free. back(013) Concerning the maximum content of seed of the species Avena fatua, Avena sterilis, Avena ludoviciana or Lolium temulentum. The presence of one seed of one of these species in 500 g shall not be considered an impurity if a search of a further 500 g from the same submitted sample is free. back  
Basic Seed

	4				
		1(011)	3		
				0(012)	1
					1
Certified Seed .....	10				
		7			
			7		
				0(013)	3
					3

(c) Maize

Germination (% by number)

All categories .....

90

Analytical Purity (% by weight) .....

All categories .....

98

Sample Purity Standards

Maximum content of seeds of other plant species (number of seeds in 250 g) (All categories)

Nil

PART III

SEED STANDARD FOR MOISTURE CONTENT

The moisture content of all categories and levels shall not exceed 17% by weight.

PART IV

SEED STANDARDS FOR LOOSE SMUT INFECTION

Barley, wheat, durum wheat, spelt  
wheat

	Minimum Standard(maximum percentage by number)	Higher Voluntary Standard (maximum percentage by number)
Basic Seed .....	0.5	0.1
Certified Seed of the First Generation	0.5	0.2
Certified Seed of the Second Generation	0.5	0.2

**SCHEDULE 5**

**(parts of this Schedule are ommitted)**

Regulation 3(1), 7(1) and (2) and 10(5)

PART I

SAMPLING OF SEED LOTS

1. A sample shall be obtained from the seed lot by taking primary samples at random from different positions in the lot and combining them to form a composite sample. The composite sample may be submitted for testing intact but if the composite sample is too large it may

be reduced in weight by using an approved seed sample divider, to give the submitted sample.

#### Primary sample size

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

#### Condition of the Seed Lot

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

#### Sampling from Sacks

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

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

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

#### Sampling from small containers

6. For sampling seed lots in containers holding 15 kg of seed or less, a 100 kg weight of seed shall be taken as the basic unit and the small containers shall be combined to form sampling units not exceeding this weight (eg six packages of 15 kg, 20 packages of 5 kg). For

sampling purposes each unit shall be regarded as one container and the sampling procedures prescribed in paragraphs 4 and 5 above shall be used.

7. When seed is in moisture-proof containers the opened or pierced containers shall be adequately closed or the residues from sampling transferred to new containers. When seeds are in very small packets (100 g or less) each packet may be considered as a primary sample and sufficient shall be taken at random to obtain a submitted sample of the minimum size prescribed in Part II of this Schedule.

#### Sampling from large containers or seed in bulk

8. For the sampling of containers holding more than 100 kg of seed, and for the sampling of seed in bulk, primary samples shall be taken from different horizontal and vertical positions selected at random and the following shall be regarded as the minimum requirement:—

#### LOT WEIGHT

#### NUMBER OF PRIMARY SAMPLES TO BE TAKEN

up to 500 kg

at least five primary samples

501-3000 kg

one primary sample for each 300 kg but not less than five

3001-20,000 kg

one primary sample for each 500 kg but not less than 10

20,001 kg and above

one primary sample for each 700 kg but not less than 40

#### Sampling from a seed stream

9. Samples may be drawn from a seed stream during processing using an automatic sampling device, which shall uniformly sample the entire cross-section of the seed stream when a sample is taken. Portions of seed shall be taken at regular intervals throughout the processing of the lot using the same sampling intensity as for seed in bulk (see paragraph 8 above).

#### Sampling Instruments

10. Sampling instruments shall be capable of sampling all parts of the seed lot. Where it is not practicable to use one of the instruments or methods described in this Schedule other instruments or methods may be used at the discretion of the Minister.

11. The instrument used for drawing primary samples shall be one of those described below as appropriate to the location of the seeds, or any other suitable instrument for the time being approved by the Minister.

#### (a) Dynamic Spear Sampler

This instrument may be used, in accordance with the methods described in paragraph 12(a) below, for sampling seeds in sacks or small containers. It shall be a hollow, cylindrical, solid pointed metal spear or trier which shall be long enough to reach beyond the



middle of the sack from the side and shall have an aperture so positioned that portions of seed of equal volume are removed from each part of the sack through which it travels.

(c) Cargo Sampler

This instrument shall only be used, in accordance with the method described in paragraph 12(c) below, for sampling seed in large containers or bulk and shall only be used in the vertical position.

(d) Seed Stream Samplers

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

Methods of use

12. All instruments shall be clean before use. The methods of using these instruments shall be as follows:—

(a) Dynamic Spear Sampler

These samplers may be used in two ways as appropriate to their length.

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

The instrument shall be inserted into the sack in an upward direction at an angle of approximately 30° to the horizontal with its aperture downwards until the aperture reaches the centre of the sack or container. The instrument shall be lightly tapped to remove any seed taken in and then rotated to bring the aperture uppermost. It shall be withdrawn immediately with a vibratory or oscillatory motion and at a decreasing speed so that the quantity of seed obtained from successive locations increases progressively from the centre to the side of the sack. Seed passing through the instrument shall be collected in a clean container.

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

A longer instrument shall be inserted in the manner described in method 1 above until its aperture reaches almost to the far side of the sack or container. It shall be tapped and rotated in the manner described above and then withdrawn at a uniform speed. Seed passing through the instrument shall be collected in a clean container.

(b) Stick Sampler

(i)

Single Chamber Type

- a. The sleeve shall move freely.
- b. The instrument shall be inserted vertically downwards till the aperture reaches the appropriate primary sampling position ensuring that the sleeve covers the aperture as it enters the seed.

c. The instrument shall be withdrawn sufficiently to uncover the aperture.  
d. The instrument shall be left in position until the primary sample has been collected.  
e. The instrument shall be withdrawn and the contents emptied into a clean container.

(ii)

Multi Chamber Type

a. The apertures shall be closed before insertion.  
b. The instrument shall be inserted diagonally into sacks or vertically into large containers so that all apertures are fully covered.  
c. The apertures shall be opened.  
d. The instrument shall be agitated so that seed enters.  
e. The apertures shall be closed gently to ensure that trapped seed is not broken or damaged.  
f. The instrument shall be withdrawn and if the chambers are full the contents shall be emptied onto a clean surface or into a clean container.  
g. If all the chambers are not full, the contents shall be discarded and procedures a-f shall be repeated.

(c) Cargo Sampler

a. The lid shall open and close easily.  
b. The instrument shall be inserted with the lid closed to the appropriate primary sampling position which shall be at least 300 mm below the surface of the seed.  
c. The handle shall be raised sufficiently to open the lid.  
d. The instrument shall be left in position until the primary sample has been collected.  
e. The instrument shall be withdrawn and the contents shall be emptied into a clean container.

(d) Seed Stream Samplers

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

Obtaining submitted sample-composite sample division instruments

13. Provided the composite sample is of at least the minimum weight prescribed in Part II below for a submitted sample for a particular kind of seed, it may be used as the submitted sample. Where the composite sample exceeds the weight prescribed for the submitted sample, any of the following instruments may be used to obtain the submitted sample. Other instruments and methods may be used at the discretion of the Minister.

(a)

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

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

(b)

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

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

#### Methods of Use

14. The method of using these instruments shall be as follows:—

(a)

##### Riffle Divider

- a. The divider shall be placed on a firm level surface.
- b. The divider and pans shall be clean.

##### Sample Mixing

- c. An empty pan shall be placed on each side of the divider to receive the discharge from the chutes.
- d. The entire composite sample shall be poured evenly into the other pan(s).
- e. The seed shall then be poured from the pan(s) evenly along the entire length of the hopper.
- f. The two pans into which the seed has passed shall then be replaced with empty pans.
- g. Procedures e and f shall then be repeated twice to mix the sample thoroughly.

##### Sample Reduction

h. Before reduction, the composite samples shall have been thoroughly mixed using procedures c-g. The contents of one of the two receiving pans shall then be set aside. If the seed in the second pan is of at least the minimum weight prescribed in Part

II below for a submitted sample of a particular kind of seed, it may be used as the submitted sample. If the weight of seed in

the second pan is greater than the appropriate minimum weight prescribed in Part II below for a submitted sample, it may be reduced using the following procedures i-k.

- i. An empty pan shall be placed on each side of the divider to receive the discharge from the chutes.
- j. The contents of the second pan shall be poured evenly along the entire length of the hopper.
- k. The contents of one of the two pans into which the seed has passed shall then be set aside. If the weight of seed in the

other pan is still greater than the appropriate minimum weight prescribed in Part II below for the submitted sample, it may be

submitted intact or it may be reduced further using procedures i-k.

l. If the weight of seed in either of the two pans at either h or k is less than the appropriate minimum weight prescribed in Part

II below for a submitted sample, the following procedures m-q shall be used.

m. An empty pan shall be placed on each side of the divider to receive the discharge from the chutes.

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

o. One receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place.

p. The contents of the pan removed at o. shall be poured evenly along the entire length of the hopper so that two subsamples of different weight shall be produced.

q. Procedures o and p above when repeated, constitute the process of continuous halving, and shall be repeated using

whichever subsample is appropriate until sufficient seed is obtained in one pan, which when added to the seed set aside in n

produces a submitted sample of at least the appropriate minimum weight prescribed in Part II below.

#### Obtaining more than one submitted sample

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

s. When three submitted samples are required from one composite sample, one sample of at least the appropriate minimum

weight prescribed in Part II below for a submitted sample, shall be extracted using procedures c-g and h-q as appropriate. All

portions of seed which have been set aside shall then be recombined and the residue of the composite sample so obtained

shall be subject to the procedure at r above.

(b)

#### Centrifugal Divider

a. The divider shall be levelled prior to use.

b. The divider and pans shall be clean.

#### Sample Mixing

c. An empty pan shall be placed under each spout of the divider.

d. The entire composite sample shall be poured into the centre of the hopper.

e. The motor shall be operated so that the seed passes into the pans.

f. The motor shall be switched off.

g. The two pans containing seed shall be removed and replaced by empty ones.

- h. The contents of both pans removed at g shall be poured together into the centre of the hopper, the seed being allowed to blend as it flows in. Procedures e, f and g shall be repeated.
- i. Procedure h shall be repeated to mix the sample thoroughly.

#### Sample Reduction

- j. Before reduction, the composite sample shall have been thoroughly mixed using procedures c-i. The contents of one of the two receiving pans shall be set aside. If the seed in the second pan is of at least the minimum weight prescribed in Part II below for a submitted sample of a particular kind of seed, it may be used as the submitted sample. If the weight of seed in the second pan is greater than the appropriate minimum weight prescribed in Part II below for a submitted sample, it may be reduced using the following procedures (k-m).
  - k. Empty pans shall be placed under the spouts.
  - l. The contents of the second pan shall be poured into the hopper and procedures e and f shall be repeated.
  - m. The contents of one of the two pans into which the seed has passed shall then be set aside. If the weight of seed in the other pan is still greater than the appropriate minimum weight prescribed in Part II below for a submitted sample, it may be submitted intact or it may be reduced further using procedures k-m.
  - n. If the weight of seed in either of the two pans at either j or m is less than the appropriate minimum weight prescribed in Part II below for a submitted sample, the following procedures (o-s) shall be used.
    - o. Empty pans shall be placed under the spouts.
    - p. The contents of one of the pans shall be set aside. The contents of the other pan shall be poured into the centre of the hopper and procedures e and f shall be repeated.
    - q. One receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place.
    - r. The contents of the pan removed at q shall be poured into the centre of the hopper and procedures e and f shall be repeated so that two subsamples of different weight shall be produced.
    - s. Procedures q and r above, when repeated, constitute the process of continuous halving, and shall be repeated using whichever subsample is appropriate until sufficient seed is obtained in one pan, which when added to the seed set aside at p produces a submitted sample of at least the appropriate minimum weight prescribed in Part II below.

#### Obtaining more than one submitted sample

- t. Two submitted samples shall be obtained from a composite sample by first obtaining a sample of at least twice the appropriate minimum weight prescribed in Part II below for a submitted sample, using procedures c-i and j-s as appropriate, and then dividing it into two parts by passing it once through the divider.

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

#### Moisture Samples

15. Primary samples of seed for moisture tests shall be drawn in such a way as to minimise exposure to the atmosphere. The composite sample so collected shall be submitted intact to the seed testing station in an airtight container. It shall not be passed through a seed divider. Seed for moisture tests shall be kept separate from seed on which other determinations are to be made.

## PART II

Maximum weight of a seed lot and minimum weight of a submitted sample  
The maximum weight of a seed lot (or a weight which does not exceed that indicated by more than 5 per cent) and the minimum weight of a submitted sample shall be as indicated below:—

- a. The maximum weight of a seed lot shall be 40 tonnes for maize and 25 tonnes for other kinds. The maximum weight of a seed lot of a mixture of seeds to which regulation 5(2)(a) and (b) applies shall be 25 tonnes.
- b. The minimum weight of a submitted sample shall be 1 kg or, for inbred lines of maize, 250 g.
- c. The minimum weight of a submitted sample for a moisture test shall be 100 g.

## SCHEDULE 6

Regulations 5(3) and (14) and 9(2), (3), 4), (5), (7) and (12)

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

## PART I

- A. OFFICIAL LABEL FOR A PACKAGE OF BREEDER'S SEED
- (a) Prescribed contents
    1. Certifying Authority.
    2. Reference number.
    3. Month and year when officially sealed.
    4. Kind.
    5. Variety.

6. "Breeder's Seed".
7. Declared net or gross weight or declared number of seeds.
8. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used the nature of the additive and the approximate ratio between the weight of pure seed and the total weight.
  - (b) Minimum size of label—110 mmx67 mm.
  - (c) The label shall be coloured violet.

#### B. OFFICIAL LABEL FOR A PACKAGE OF PRE-BASIC SEED

- (a) Prescribed contents
  1. Certifying Authority and Member State or their mark.
  2. Reference number of the lot.
  3. Kind.
  4. Month and year when officially sealed.
  5. Variety, or inbred line of maize.
  6. "Pre-basic Seed".
  7. Country of production.
    - Declared net or gross weight or declared number of seeds.
  9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used the nature of the additive and the approximate ratio between the weight of pure seeds and the total weight.
10. Number of generations preceding seed of the categories "Certified Seed" or "Certified Seed 1st Generation".
11. For hybrid varieties of maize: "hybrid".
  - (b) Minimum size of label—110 mmx67 mm.
  - (c) The label shall be coloured white with a diagonal violet line.

#### C. OFFICIAL LABEL FOR A PACKAGE OF BASIC SEED, CERTIFIED SEED, CERTIFIED SEED OF THE FIRST GENERATION OR CERTIFIED SEED OF THE SECOND GENERATION

- (a) Prescribed contents
  1. "EEC rules and standards".
  2. Certifying Authority and Member State or their mark.
  3. Reference number of the lot.
  4. Month and year when officially sealed.
  5. Kind.
  6. Variety, or inbred line of maize.
  7. Category.
  8. Country of production.
  9. Declared net or gross weight or declared number of seeds.
  10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used the nature of the additive and the approximate ratio between the weight of pure seeds and the total weight.
  11. In the case of varieties which are hybrids or inbred lines—

(a) for Basic Seed where the hybrid or inbred line to which the seed belongs has been officially accepted on a National List or the Common Catalogue, the name of this component, under which it has been officially accepted, with or without reference to the final variety, accompanied, in the case of hybrids or inbred lines which are intended solely as components for final varieties, by the word "component";

(b) for Basic Seed in other cases, the name of the component to which the Basic Seed belongs, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its function (male or female), and accompanied by the word "component";

(c) for Certified Seed, the name of the variety to which the seed belongs, accompanied by the word "hybrid".

(b) Minimum size of the label—110 mmx67 mm.

(c) The label shall be coloured white for Basic Seed, blue for Certified Seed and Certified Seed of the First Generation and red for Certified Seed of the Second Generation.

#### D. OFFICIAL LABEL FOR A PACKAGE OF A MIXTURE OF SEEDS

(a) Prescribed contents

1. "Mixture of ....."

(kinds or varieties)

2. Proprietary name if applicable.

3. Service responsible for sealing and Member State or their mark.

4. Reference number of the lot.

5. Month and year when officially sealed.

6. Declared net or gross weight or declared number of seeds.

7. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used the nature of the additive and the approximate ratio between the weight of pure seeds and the total weight.

8. The words: "passed for marketing in United Kingdom only".

(b) Minimum size of the label—110 mmx67 mm.

(c) The label shall be coloured green.

#### E. FURTHER PARTICULARS TO BE GIVEN IN RESPECT OF MIXTURES OF SEEDS

For each constituent:

1. Kind.

2. Category.

3. Variety, or inbred line of maize.

4. Country of production.

5. Proportion by weight of the mixture.

6. For hybrid varieties of maize: "hybrid".

Mixtures of varieties:

Disease or pest the incidence of which is claimed to be reduced.



F. OFFICIAL LABEL FOR A PACKAGE OF SEED NOT FINALLY CERTIFIED

(a) Prescribed contents of the label

1. Certifying authority.
2. Kind.
3. Variety. (In the case of varieties (inbred lines, hybrids), which are intended solely as components for hybrid varieties, the word "component" shall be added.)
4. Category. (In the case of hybrid varieties the word "hybrid" shall be added.)
5. Crop Identity Number.
6. Declared net or gross weight (Tonnes).
7. The words "seed not finally certified".

The label shall be coloured grey.

(b) Information required for the document

1. Certifying authority.
2. Kind.
3. Variety.
4. Category.
5. Seed Lot Reference Number (UK) or Reference Number (other than UK) of the seed used to sow the field and name of the country or countries which certified that seed.
6. Crop Identity Number.
7. Area cultivated for the production of the lot covered by the document (Hectares).
8. Quantity of seed harvested and number of packages.
9. Number of generations after basic seed, in the case of certified seed.

10. Attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled.

11. Where appropriate, results of a preliminary seed analysis.

PART II

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

(a) Prescribed contents

1. Name and address of the supplier responsible for affixing the labels or his identification mark.
2. Reference number of the lot.
3. "Maize".
4. Variety, of inbred line of maize.
5. "Uncertified Pre-basic Seed".
6. Declared net or gross weight or declared number of seeds.
7. For hybrid varieties of maize: "hybrid".

(b) The label shall be coloured buff.

## PART III

### SMALL PACKAGES

#### A. SUPPLIER'S LABEL FOR A SMALL PACKAGE OF SEEDS OTHER THAN A MIXTURE OF SEEDS

##### (a) Prescribed contents

1. "EEC rules and standards".  
2. Name and address of the supplier responsible for affixing the label or his identification mark.

3. Reference number of the lot.

4. Kind.

5. Variety, or inbred line of maize.

6. Category.

7. Declared net weight or declared number of seeds.

8. For hybrid varieties of maize: "hybrid".

9. "Passed for marketing in United Kingdom only".

(b) The label shall be coloured white with a diagonal violet line for Pre-basic Seed, white for Basic Seed, blue for Certified Seed and Certified Seed of the First Generation and red for Certified Seed of the Second Generation.

#### B. SUPPLIER'S LABEL FOR A SMALL PACKAGE OF A MIXTURE OF SEEDS

##### (a) Prescribed contents

1. "Mixture of .....".

(kinds of varieties)

2. Name and address of person responsible for sealing package or his identification mark.

3. Reference number of the lot.

4. Proprietary name of the mixture or kinds or varieties of the constituents.

5. Declared net weight or declared number of seeds.

6. "Passed for marketing in United Kingdom only".

(b) The label shall be coloured green.

## PART IV

#### A. PARTICULARS TO BE MARKED OR DISPLAYED ON THE SALE OF UNPACKETED SEEDS OTHER THAN MIXTURES OF SEEDS

1. "Complies with legal standards".

2. Kind.

3. Variety, or inbred line of maize.

4. For hybrid varieties of maize: "hybrid".

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

1. "Complies with legal standards".
2. Proprietary name of the mixture or kinds and proportion by weight of the constituents.

PART V

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

A. Seeds which have not been imported

1. The printing or stamping of the packages shall be under the supervision of the Minister.
2. The manner of printing or stamping shall have been approved by the Minister.
3. Each package shall have printed or stamped on it, or be perforated with, an individual serial number allocated by the Minister, which shall appear in the same panel as the particulars of the matters specified in Part I of this Schedule.
4. Arrangements shall be made with the printer for returns to be made to the Minister of the number of packages printed or stamped pursuant to regulation 9(5) and of the individual serial numbers of such packages.
5. The reference number of the seed lot and the month and year in which the package was officially sealed shall be printed or stamped under the supervision of the Minister at the time of sampling for official examination.
6. There shall be kept such records of seed packaged and marketed pursuant to regulation 9(5) as may be required by the Minister.
7. Each package of seed marketed in accordance with regulation 5(5) shall be capable of having affixed to it, in a manner approved by the Minister, a supplier's label containing a statement pursuant to regulation 9(3).

B. Seeds imported from another Member State

Such requirements of the Member State from which the seeds have been imported as correspond to the requirements specified in

this Part for seeds which have not been imported shall, in the opinion of the Minister, have been satisfied.

## SCHEDULE 7

Regulation 10(2)

### LIMITS OF VARIATION

#### GERMINATION

Minimum percentage of Germination	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
69-75	9
65-68	10

#### ANALYTICAL PURITY

Minimum percentage of Analytical Purity	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	1.1

95.0-95.4	1.2
	1.3

CONTENTS OF SEEDS OF OTHER SPECIES

Maximum number of seeds number	Limit of variation number
0	1
1	3
2	4
3 and 4	5
5 and 6	6
7 and 8	7
9 to 11	8
12 to 14	9
15 to 17	10
18 to 20	11

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the provisions of the Cereal Seeds Regulations 1985, as amended.

The Regulations which come into force on 1st September 1993, continue to restrict the marketing in Great Britain of cereal seeds to specified categories meeting prescribed standards (regulations 3(3), 5(1) and Schedule 4), to require such seeds to be sold in sealed packages labelled or marked with prescribed particulars (regulations 8 and 9 and Schedule 6) and to make tampering with labels prescribed by regulations an offence (regulation 9(14)). The Regulations also continue to make provision for the taking of samples for the verification of standards (regulation 7 and Schedule 5) and provide that certain particulars stated or implied on a package of seeds are deemed to constitute a statutory warranty by the seller for the protection of the purchaser for the purpose of section 17 of the Plant Varieties and Seeds Act 1964 (regulation 10(1)).

The consolidation incorporates a provision required under Council Directive 88/380/EEC (OJ No. L187, 16.7.88, p. 31), and previously dealt with by a General Licence under Regulation 5(3)(d) of the 1985 Regulations. This relates to the marketing to other Member States of seed in respect of which an official certificate has not been issued (regulation 5(14) and Schedule 6 Part IF).

It also makes provision as required under Commission Directive 93/2/EEC (OJ No. L54, 5.3.93, p. 20) and previously dealt with by General Licence under regulation 5(3)(a) and (b) of the 1985 Regulations for the marketing of oats varieties which are officially classified as "naked oat" types with a minimum germination of 75% (Schedule 4).

The Regulations implement Council Directive 66/402/EEC (OJ No. L125, 11.7.66, p. 2309/66) (OJ/SE 1965-66, p. 143) on the marketing of cereal seed as amended.