

Welsh Statutory Instrument 2003 No. 56 (W.6)

The Seeds (Miscellaneous Amendments) Regulations (Wales) 2003

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STATUTORY INSTRUMENTS

2003 No. 56 (W.6)

SEEDS, WALES

The Seeds (Miscellaneous Amendments) Regulations (Wales) 2003

Made

15 January 2003

Coming into force

16 January 2003

The National Assembly for Wales, in exercise of the powers conferred on it by sections 16(1), (1A), (2) and (3) and 36 of the Plant Varieties and Seeds Act 1964^[1] and of every other power enabling it in that behalf, and after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to it to be concerned, hereby makes the following Regulations:

Title, commencement and application.

1. - (1) These Regulations are called the Seeds (Miscellaneous Amendments) (Wales) Regulations 2003 and come into force on 16 January 2003.

(2) These Regulations apply in relation to Wales.

Amendment of the Cereal Seeds Regulations 1993

2. - (1) The Cereal Seeds Regulations 1993^[2] are amended in accordance with the provisions of this regulation.

(2) In regulation 3(3) (Interpretation) after the definition of "Certified Seed of the Second Generation" there is inserted the following definition -

" "Excepted Seed Marketed in Bulk" means Certified Seed (other than seeds of maize), Certified Seed of the First Generation or Certified Seed of the Second Generation -

(a) which is marketed in bulk direct to the final consumer in a container that is closed after filling; and

(b) in respect of which a random sample has been taken in accordance with paragraph 8A of Schedule 5, by a person authorised in that behalf."

(3) In regulation 8 (Sealing of packages) -

(a) in paragraph (1) for the word "No" there is substituted "Subject to paragraph (1A) below, no"; and

(b) after paragraph (1) there is inserted -

" (1A) Paragraph (1) shall not apply to Excepted Seed Marketed in Bulk."

(4) In regulation 9 (Labelling of packages) -

(a) in paragraph (1) for the words "paragraph (12)" there is substituted "paragraphs (12) and (12A)"; and

(b) after paragraph (12) there is inserted -

" (12A) Paragraph (1) above shall not apply to Excepted Seed Marketed in Bulk."

(5) After regulation 9A there is inserted -

" Provision of information to the final consumer about Excepted Seed Marketed in Bulk

9B. On delivery of Excepted Seed Marketed in Bulk to the final consumer, the supplier shall also deliver to the final consumer a note containing the information given on the official label on the container from which seed was taken.

Notification of Excepted Seed Marketed in Bulk

9C. A supplier of seed shall prior to 10th January 2004 and prior to 10th January in each year thereafter notify the National Assembly, in such manner as it may from time to time specify, of the quantities of Excepted Seed Marketed in Bulk by that supplier in the period from 1st January to 31st December in the immediately preceding year."

(6) After paragraph 8 of Schedule 5 there is inserted -

" **8A.** Random sampling of seed lots of seed which is intended to be Excepted Seed Marketed in Bulk shall be carried out in accordance with the requirements of this Schedule during the filling of the container used by the final consumer into which the seed is placed."

Amendment of the Fodder Plant Seeds Regulations 1993

3. - (1) The Fodder Plant Seeds Regulations 1993^[3] are amended in accordance with the provisions of this regulation.

(2) In regulation 3(3) (Interpretation) after the definition of "Commercial Seed" there is inserted the following definition -

" "Excepted Seed Marketed in Bulk" means Certified Seed of the First Generation or Certified Seed of the Second Generation -

(a) which is marketed in bulk direct to the final consumer in a container that is closed after filling; and

(b) in respect of which a random sample has been taken in accordance with paragraph 8A of Schedule 5 by a person authorised in that behalf."

(3) In regulation 8 (Sealing of packages) -

(a) in paragraph (1) for the word "No" there is substituted "Subject to paragraph (1A) below, no"; and

(b) after paragraph (1) there is inserted -

" (1A) Paragraph (1) shall not apply to Excepted Seed Marketed in Bulk."

(4) In regulation 9 (Labelling of packages) -

(a) in paragraph (1) for the words "paragraph (7)" there is substituted "paragraphs (12) and (12A)"; and

(b) after paragraph (12) there is inserted -

" (12A) Paragraph (1) shall not apply to Excepted Seed Marketed in Bulk."

(5) After regulation 9A there is inserted -

" Provision of information to the final consumer about Excepted Seed Marketed in Bulk

9B. On delivery of Excepted Seed Marketed in Bulk to the final consumer, the supplier shall also deliver to the final consumer a note containing the information given on the official label on the container from which seed was taken.

Notification of Excepted Seed Marketed in Bulk

9C. A supplier of seed shall prior to 10th January 2004 and prior to 10th January

in each year thereafter notify the National Assembly, in such manner as it may from time to time specify, of the quantities of Excepted Seed Marketed in Bulk by that supplier in the period from 1st January to 31st December in the immediately preceding year."

(6) After paragraph 8 of Schedule 5 there is inserted -

" **8A.** Random sampling of seed lots of seed which is intended to be Excepted Seed Marketed in Bulk shall be carried out in accordance with the requirements of this Schedule during the filling of the container used by the final consumer into which the seed is placed."

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998^[4]

D.Elis-Thomas

The Presiding Officer of the National Assembly

15th January 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend (in relation to Wales) (the Cereal Seeds Regulations 1993 as amended ("the cereal seeds Regulations") and the Fodder Plant Seeds Regulations 1993 as amended ("the fodder plant seeds Regulations").

The Regulations exempt certain types of seed marketed in bulk from the labelling and packaging requirements in the cereal seeds Regulations and the fodder plant seeds Regulations (regulations 2(2) to (4) and 3(2) to (4)). These exemptions are derogations respectively from Council Directive 66/402/EEC (OJ No. L125, 11.7.66, p.2309) (as amended) and Council Directive 66/401/EEC (OJ No. L125, 11.7.66, p.2298) (as amended). The derogations are permitted by Council Directive 2001/64/EC.

The Regulations specify the conditions for the exemption, in implementation of Council Directive 2001/64/EC and Commission Decision 94/650/EC (OJ No. L252, 28.9.1994, p.15), as relevantly amended by Commission Decision 1998/174/EC (OJ No. L63, 4.3.98, p.31) and Commission Decision 2000/441/EC (OJ No. L176, 15.7.00, p.50) (regulations 2(2), (5) and (6) and 3(2), (5) and (6)).

Notes:

[1] 1964 c.14; section 6 was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4 paragraph 5; *see* section 38(1) for the definition of "the Ministers". The functions of the Secretary of State in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of

Functions) Order 1999 (S.I. 1999/672).[back](#)

[2] S.I. 1993 No. 2005 as amended by S.Is. 1995/1482, 1997/616, 1999/1860, 2001/3510 and 2001/3664 (W.296).[back](#)

[3] S.I. 1993 No. 2009 as amended by S.Is 1993/2529, 1996/453, 1997/616, 1999/1864, 2001/3510 and 2001/3665 (W.297).[back](#)

[4] 1998 c.38.[back](#)

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