

# Statutory Instrument 2005 No. 2674

## The Oil and Fibre Plant Seed (England) (Amendment) Regulations 2005

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### STATUTORY INSTRUMENTS

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**2005 No. 2674**

**SEEDS, ENGLAND**

**The Oil and Fibre Plant Seed (England) (Amendment) Regulations  
2005**

<i>Made</i>	<i>25th September 2005</i>
<i>Laid before Parliament</i>	<i>28th September 2005</i>
<i>Coming into force</i>	<i>26th October 2005</i>

The Secretary of State in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4), (5), (5A) and 36 of the Plant Varieties and Seeds Act 1964<sup>[1]</sup>, and now vested in her<sup>[2]</sup>, after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to her to be concerned, makes the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Oil and Fibre Plant Seed (England) (Amendment) Regulations 2005 and come into force on 26th October 2005.

**Amendment of the Oil and Fibre Plant Seed (England) Regulations 2002**

2. —(1) The Oil and Fibre Plant Seed (England) Regulations 2002<sup>[3]</sup> shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1)—

(a) in the definition of "licensed EC crop inspector", for the words "Article 2(5)(a)(iii)" there shall be substituted the words "Article 2(5)A(a)(iii)";

(b) for the definition of "licensed EC seed testing station" there shall be substituted the following definition—

" "licensed EC seed testing station" means a seed testing laboratory authorised by the competent seed certification authority in another member State, pursuant to Article 2(5)B(a) of the Oil and Fibre Plant Seed Directive, to carry out seed testing in that member State;"

(c) for the definition of "licensed third country seed testing station" there shall be substituted the following definition—

" "licensed third country seed testing station" means a seed testing laboratory authorised by the approved seed certification authority in an equivalent third country, pursuant to—

(a) in the case of seed other than soya bean seed, Rule 6(4)(2)(3) of, and Appendix 8B to, the OECD Crucifer and Oil and Fibre Seed Scheme, and

(b) in the case of soya bean seed, Rule 6(4)(2)(3) of, and Appendix 8B to, the OECDto carry out seed testing in that country;"

(d) for the definition of the "OECD Decision" there shall be substituted the following definition—

" "OECD Decision" means the Decision of the OECD Council revising the OECD Schemes for Varietal Certification or the Control of Seed Moving in International Trade<sup>[4]</sup> as last amended by OECD Council Decision C(2005)38;"

(e) for the definition of "the Oil and Fibre Plant Seed Directive" there shall be substituted the following definition—

" "the Oil and Fibre Plant Seed Directive" means Council Directive 2002/57/EC[5] on the marketing of oil and fibre plant seed as last amended by Council Directive 2004/117/EC[6];".

(3) In regulation 8(1)—

- (a) in sub-paragraph (f), after the word "flax" there shall be inserted the words "or linseed"; and
- (b) in sub-paragraph (j), after the word "flax" there shall be inserted the words "or linseed".

(4) In regulation 8(3)(d), after the word "flax" there shall be inserted the words "or linseed".

(5) In regulation 8(17)—

- (a) in subparagraph (b), after the word "flax" there shall be inserted the words "or linseed";
- (b) in subparagraph (c), the word "linseed" shall be deleted;
- (c) in subparagraph (g), after the word "flax" there shall be inserted the words "or linseed";
- (d) in subparagraph (h), the word "linseed" shall be deleted;
- (e) in subparagraph (k), after the word "flax" there shall be inserted the words "or linseed";
- (f) in subparagraph (l), the word "linseed" shall be deleted; and
- (g) in subparagraph (m), after the word "flax" there shall be inserted the words "or linseed".

(6) In regulation 10(6)(f), after the word "flax" there shall be inserted the words "and linseed".

(7) In regulation 11(1)(f), after the word "flax" there shall be inserted the words "or linseed".

(8) In regulation 11(14)—

- (a) in subparagraph (a), after the word "flax" there shall be inserted the words "or linseed";
- (b) in subparagraph (b), the word "linseed" shall be deleted;
- (c) in subparagraph (e), after the word "flax" there shall be inserted the words "or linseed";
- (d) in subparagraph (f), the word "linseed" shall be deleted;

- (e) in subparagraph (i), after the word "flax" there shall be inserted the words "or linseed";
- (f) in subparagraph (j), the word "linseed" shall be deleted; and
- (g) in subparagraph (k), after the word "flax" there shall be inserted the words "or linseed".

(9) In Schedule 1—

- (a) in paragraph 1(1)(b)(iv) of Part I, after the word "flax" there shall be inserted the words "or linseed";
- (b) in paragraph 13(1)(b)(iv) of Part II, after the word "flax" there shall be inserted the words "or linseed";
- (c) in paragraph 35(b)(ii) of Part III, after the word "flax" there shall be inserted the words "or linseed";
- (d) for subparagraph (i) of paragraph 43(2)(b) of Part III, there shall be substituted the following subparagraph—

" (i) in the case of flax or linseed, for the production of C3 seed or for purposes other than the production of oil and fibre plant seed";
- (e) in paragraph 43(2)(b)(ii) of Part III, the words "linseed and" shall be deleted; and
- (f) in paragraph 50 of Part III, after the word "flax" there shall be inserted the words "or linseed".

(10) In Schedule 4—

- (a) in Part I, after entry (b)(iii) in the table at paragraph 3 there shall be inserted the following entry—

" (b)(iv) C3 linseed                      97.5"; and
- (b) in Part II—
  - (i) in the first column of the table at paragraph 7(1), for the words "Linseed—basic, C1 and C2 seed" there shall be substituted the words "Linseed—basic, C1, C2 and C3 seed"; and
  - (ii) in the first column of the table at paragraph 8, for the words "Basic, C1 and C2 seed of linseed" there shall be substituted the words "Basic, C1, C2 and C3 seed of linseed".

(11) In Schedule 5—

(a) in entry 1(f) of column (1), after the word "flax" there shall be inserted the words "and linseed";

(b) in entry 1(f) of column (2), after the word "flax" there shall be inserted the words "and linseed";

(c) in entry 2(f) of column (1), after the word "flax" there shall be inserted the words "and linseed"; and

(d) in entry 2(f) of column (2), after the word "flax" there shall be inserted the words "and linseed".

*Bach*

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

25th September 2005

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## EXPLANATORY NOTE

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

These Regulations amend the Oil and Fibre Plant Seed (England) Regulations 2002 (SI 2002/3174) as amended by the Oil and Fibre Plant Seed (England) (Amendment) Regulations 2003 (SI 2003/3101) and the Oil and Fibre Plant Seed (England) (Amendment) Regulations 2004 (SI 2004/2388) (the "2002 Regulations"). They come into force on 26th October 2005.

The amendments to the 2002 Regulations—

(a) update definitions to take account of Council Directive 2004/117/EC (O.J. No. L14, 18.1.2005, p. 18) on examinations carried out under official supervision and equivalence of seed produced in third countries (*Regulations 2(2)(a), 2(2)(b) and 2(2)(e)*);

(b) reintroduce the C3 category for linseed (*Regulations 2(3) to 2(11)* ); and

(c) update references to reflect amendments to the Decision of the OECD Council revising the OECD Schemes for Varietal Certification or the Control of Seed Moving in International Trade (C(2000)146/Final) (*Regulations 2(2)(c) and 2(2)(d)*).

A Transposition Note has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Transposition Note can be obtained from the Plant Variety Rights Office and Seeds Division of the Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge, CB3 0LF.

A regulatory impact assessment has not been prepared for this instrument, as it has no impact on the cost of businesses, charities or voluntary bodies.

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*Notes:*

[1] 1964 c. 14; section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c. 68), S.I. 1977/1112 and section 2 of the Agriculture Act 1986 (c. 49); *see* section 38(1) for a definition of "the Minister".[back](#)

[2] 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 were, so far as they are exercisable in relation to England, transferred to the Secretary of State.[back](#)

[3] S.I. 2002/3174 as amended by S.I. 2003/3101 and S.I. 2004/2388.[back](#)

[4] C(2000)146/Final.[back](#)

[5] O.J. No. L193, 20.7.2002, p74.[back](#)

[6] O.J. No. L14, 18.1.2005, p18.[back](#)

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