



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2010 Rhif 1808 (Cy.176)

2010 No. 1808 (W.176)

HADAU, CYMRU

SEEDS, WALES

Rheoliadau Hadau (Diwygiadau
Amrywiol) (Cymru)
2010

The Seed (Miscellaneous
Amendments) (Wales) Regulations
2010

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gweithredu Cyfarwyddeb y Comisiwn 2009/74/EC ddyddiedig 26 Mehefin 2009 ("Cyfarwyddeb 2009") o ran Cymru. Mae Cyfarwyddeb 2009 yn diwygio Cyfarwyddebau'r Cyngor 66/401/EEC, 66/402/EEC, 2002/55/EC a 2002/57/EC parthed enwau botanegol planhigion, enwau gwyddonol organeddau eraill ac Atodiadau penodol i Gyfarwyddebau 66/401/EEC, 66/402/EEC, a 2002/57/EC yng ngoleuni datblygiadau ym maes gwybodaeth wyddonol a thechnegol.

These Regulations implement Commission Directive 2009/74/EC of 26 June 2009 ("the 2009 Directive") in relation to Wales. The 2009 Directive amends Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC, and 2002/57/EC in the light of developments of scientific and technical knowledge.

Mae rheoliad 2 yn diwygio Rheoliadau Hadau Ŷd (Cymru) 2005, O.S. 2005/3036 (Cy.224) i adlewyrchu newidiadau yn null enwi rhywogaethau penodol, ac i leihau'r safon egino sy'n ofynnol ar gyfer haidd moel.

Regulation 2 amends the Cereal Seed (Wales) Regulations 2005, S.I. 2005/3036 (W.224) to reflect nomenclature changes to certain species, and to reduce the minimum germination standard for naked barley.

Mae rheoliad 3 yn diwygio Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005, O.S. 2005/1207 (Cy.79) i adlewyrchu newidiadau yn null enwi rhywogaethau penodol, ac i wneud newidiadau canlyniadol sy'n angenrheidiol i'r Rheoliadau hynny.

Regulation 3 amends the Fodder Plant Seed (Wales) Regulations 2005, S.I. 2005/1207 (W.79) to reflect nomenclature changes to certain species, and to make necessary consequential changes to those Regulations.

Mae rheoliad 4 yn diwygio Rheoliadau Hadau Planhigion Olew a Ffibr (Cymru) 2004, O.S. 2004/2881 (Cy.251) i adlewyrchu newidiadau yn null enwi rhywogaethau penodol o fwstard, a thrwy gynyddu uchafswm pwysau lot hadau ar gyfer ffa soia i 30 tonnelli.

Regulation 4 amends the Oil and Fibre Plant Seed (Wales) Regulations 2004, S.I. 2004/2881 (W.251) to reflect nomenclature changes to certain species of mustard, and by increasing the maximum weight of a seed lot for soya beans to 30 tonnes.

Mae rheoliad 5 yn diwygio Rheoliadau Hadau Llysiau (Cymru) 2005, O.S. 2005/3035 (Cy.223) i adlewyrchu newidiadau yn null enwi rhywogaethau penodol, ac i leihau'r safon egino sy'n ofynnol ar gyfer india-corn tra melys.

Regulation 5 amends the Vegetable Seed (Wales) Regulations 2005, S.I. 2005/3035 (W.223) to reflect nomenclature changes to certain species, and to reduce the minimum germination standard for super sweet corn.

Nid oes asesiad effaith rheoleiddiol wedi ei wneud ar gyfer yr offeryn hwn, gan na fydd yn effeithio o gwbl ar gostau busnes.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

2010 Rhif 1808 (Cy.176)

HADAU, CYMRU

**Rheoliadau Hadau (Diwygiadau
Amrywiol) (Cymru)
2010**

Gwnaed 13 Gorffennaf 2010
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 15 Gorffennaf 2010
Yn dod i rym 9 Awst 2010

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1), (1A), (2), (3), (4) a (5) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964 ac a freiniwyd bellach ynddynt hwy(1).

Yn unol ag adran 16(1) o'r Ddeddf honno mae Gweinidogion Cymru wedi ymgynghori â chynrychiolwyr y buddiannau hynny y mae'n ymddangos i Weinidogion Cymru eu bod yn rhai yr effeithir arnynt.

Enwi, cymhwyso a chychwyn

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Hadau (Diwygiadau Amrywiol) (Cymru) 2010.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac yn dod i rym ar 9 Awst 2010.

(1) 1964 p.14; diwygiwyd adran 16 gan adran 4(1) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 5(1), (2) a (3) o Atodlen 4 iddi (p.68), O.S. 1977/1112, ac adran 2 o Ddeddf Amaethyddiaeth 1986. Gweler adran 31(1) am ddiffiniad o "the Minister". O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), erthygl 2(1) ac Atodlen 2, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywogaethau a Hadau Planhigion 1964, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i'r Ysgrifennydd Gwladol ac o dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2(1) ac Atodlen 1, trosglwyddwyd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol gan Orchymyn trosglwyddo 1978 i Gynulliad Cenedlaethol Cymru. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006, mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru.

2010 No. 1808 (W.176)

SEEDS, WALES

**The Seed (Miscellaneous
Amendments) (Wales) Regulations
2010**

Made 13 July 2010
*Laid before the National
Assembly for Wales* 15 July 2010
Coming into force 9 August 2010

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964 and now vested in them(1).

In accordance with section 16(1) of that Act the Welsh Ministers have consulted with representatives of such interests as appear to them to be concerned.

Title, application and commencement

1.–(1) The title of these Regulations is the Seed (Miscellaneous Amendments) (Wales) Regulations 2010.

(2) These Regulations apply in relation to Wales, and come into force on 9 August 2010.

(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. See section 31(1) for a definition of "the Minister". Under the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 2, 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 Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2(1) and Schedule 1, the functions transferred to the Secretary of State by the 1978 transfer Order were transferred to the National Assembly for Wales. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 those functions are exercisable by the Welsh Ministers.

Diwygio Rheoliadau Hadau Ŷd (Cymru) 2005

2.–(1) Mae Rheoliadau Hadau Ŷd (Cymru) 2005(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3–

(a) yn lle'r diffiniad o "oats" rhodder–

"oats" means plants of the species *Avena nuda* L. and *Avena sativa* L";

(b) yn lle'r diffiniad o "triticale" rhodder–

"triticale" means plants of the species *xTriticosecale* Wittm. Ex A. Camus (which are hybrids resulting from the crossing of a species of the genus *Triticum* and a species of the genus *Secale*");

(c) yn lle'r diffiniad o "wheat" rhodder–

"wheat" means plants of the species *Triticum aestivum* L."; ac

(ch) yn lle'r diffiniad o "wild oats" rhodder–

"wild oats" means plants of the species *Avena fatua* and *Avena sterilis*".

(3) Yn Atodlen 4–

(a) ym mharagraff 12(2) yn lle "*Agropyron repens*" rhodder "*Elytrigia repens*";

(b) ym mharagraff 13(1) yn y tabl ar gyfer "(i) barley" rhodder "(i) barley (other than CS, C1 and C2 seed of barley officially classified as being of a naked barley type)"; ac

(c) ym mharagraff 13(1) yn y tabl ar ôl y rhes sy'n cynnwys y cofnod "(b) CS, C1 and C2 seed of oats officially classified as being of a naked oak type" mewnosoder y rhes ganlynol–

(ba) CS, C1 and C2 seed of barley officially classified as being of a naked barley type	75
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(4) Yn Atodlen 8 ym mharagraffau 1(e), 9(1) a 14(b)(ix) ar ôl "oats" mewnosoder "or barley" ac ar ôl "naked oat" mewnosoder "or a naked barley".

Diwygio Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005

3.–(1) Mae Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3–

(1) O.S. 2005/3036 (Cy.224), fel y'i diwygiwyd ddiwethaf gan O.S. 2009/1356 (Cy.131).

(2) O.S. 2005/1207 (Cy.79), fel y'i diwygiwyd ddiwethaf gan O.S. 2009/1356 (Cy.131).

Amendment of the Cereal Seed (Wales) Regulations 2005

2.–(1) The Cereal Seed (Wales) Regulations 2005(1) are amended as follows.

(2) In regulation 3–

(a) for the definition of "oats" substitute–

"oats" means plants of the species *Avena nuda* L. and *Avena sativa* L";

(b) for the definition of "triticale" substitute–

"triticale" means plants of the species *xTriticosecale* Wittm. Ex A. Camus (which are hybrids resulting from the crossing of a species of the genus *Triticum* and a species of the genus *Secale*");

(c) for the definition of "wheat" substitute–

"wheat" means plants of the species *Triticum aestivum* L."; and

(d) for the definition of "wild oats" substitute–

"wild oats" means plants of the species *Avena fatua* and *Avena sterilis*".

(3) In Schedule 4–

(a) in paragraph 12(2) for "*Agropyron repens*" substitute "*Elytrigia repens*";

(b) in paragraph 13(1) in the table for "(i) barley" substitute "(i) barley (other than CS, C1 and C2 seed of barley officially classified as being of a naked barley type)"; and

(c) in paragraph 13(1) in the table after the row containing the entry "(b) CS, C1 and C2 seed of oats officially classified as being of a naked oat type" insert the following row–

(ba) CS, C1 and C2 seed of barley officially classified as being of a naked barley type	75
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(4) In Schedule 8 in paragraphs 1(e), 9(1) and 14(b)(ix) after "oats" insert "or barley" and after "naked oat" insert "or a naked barley".

Amendment of the Fodder Plant Seed (Wales) Regulations 2005

3.–(1) The Fodder Plant Seed (Wales) Regulations 2005(2) are amended as follows.

(2) In regulation 3–

(1) S.I. 2005/3036 (W.224), as last amended by S.I. 2009/1356 (W. 131).

(2) S.I. 2005/1207 (W.79), as last amended by S.I. 2009/1356 (W. 131).

- (a) yn lle'r diffiniad o "festulolium", rhodder–
" *festulolium*" means plants of the species *xFestulolium* Asch. & Graebn. which are hybrids resulting from the crossing of a species of the genus *Festuca* with a species of the genus *Lolium*";
- (b) yn y diffiniad o "fine grasses" ar ôl "Schedule 2" mewnosoder "and plants of the species *Poaceae (Graminae)*";
- (c) ar ôl y diffiniad o "fine grasses" mewnosoder y diffiniad canlynol–
" "fine leaved sheep's fescue" means plants of the species *Festuca filiformis* Pourr.";
- (ch) ar ôl y diffiniad o "fodder radish" mewnosoder y diffiniad a ganlyn–
" "hard fescue" means plants of the species *Festuca trachyphylla* (Hack.) Krajina";
- (d) yn y diffiniad o "large seeded legumes" ar ôl "Schedule 2" mewnosoder "and plants of the species *Fabaceae (Leguminosae)*";
- (dd) yn y diffiniad o "meadow fescue" yn lle "Hudson" rhodder "Huds";
- (e) yn y diffiniad o "small Timothy" yn lle "*bertolonii* DC" rhodder "*nodosum* L"; ac
- (f) yn y diffiniad o "tall oatgrass" yn lle "J. and C. Presl" rhodder "P. Beauv. Ex J. Presl & C. Presl".

(3) Ym mharagraff 2 o Atodlen 2 ar ôl "(b) cocksfoot" mewnosoder "(ba) fine leaved sheep's fescue" a "(bb) hard fescue".

(4) Yn Atodlen 4–

- (a) ym mharagraff 4 yn y tabl ar ôl y rhes sy'n cynnwys y cofnod ("2. Fodder grasses") "b. cocksfoot" mewnosoder y rhesi a ganlyn–

(ba) Fine leaved sheep's fescue	85	Not applicable
(bb) Hard fescue	85	Not applicable

;

- (b) ym mharagraff 5(2) ar ôl y cofnod "festulolium" mewnosoder y cofnodion "(ba) fine leaved sheep's fescue" a "(bb) hard fescue";
- (c) ym mharagraff 7 yn lle "*Agropyron repens*" rhodder "*Elytrigia repens*";
- (ch) ym mharagraff 9(1) hepgorer "; *Avena ludoviciana*"; a
- (d) yn lle paragraff 12(2) rhodder y diffiniad canlynol–
"12(2) In the case of C1 seed of lupins, the percentage by number of seeds of another colour must not exceed 4.0 % for bitter lupins and 2.0 % for other lupins".

- (a) for the definition of "festulolium", substitute–
" "*festulolium*" means plants of the species *xFestulolium* Asch. & Graebn. which are hybrids resulting from the crossing of a species of the genus *Festuca* with a species of the genus *Lolium*";
- (b) in the definition of "fine grasses" after "Schedule 2" insert "and plants of the species *Poaceae (Graminae)*";
- (c) after the definition of "fine grasses" insert the following definition–
" "fine leaved sheep's fescue" means plants of the species *Festuca filiformis* Pourr.";
- (d) after the definition of "fodder radish" insert the following definition–
" "hard fescue" means plants of the species *Festuca trachyphylla* (Hack.) Krajina";
- (e) in the definition of "large seeded legumes" after "Schedule 2" insert "and plants of the species *Fabaceae (Leguminosae)*";
- (f) in the definition of "meadow fescue" for "Hudson" substitute "Huds";
- (g) in the definition of "small Timothy" for "*bertolonii* DC" substitute "*nodosum* L"; and
- (h) in the definition of "tall oatgrass" for "J. and C. Presl" substitute "P. Beauv. Ex J. Presl & C. Presl".

(3) In paragraph 2 of Schedule 2 after "(b) cocksfoot" insert "(ba) fine leaved sheep's fescue" and "(bb) hard fescue".

(4) In Schedule 4–

- (a) in paragraph 4 in the table after the row containing the entry ("2. Fodder grasses") "b. cocksfoot" insert the following rows–

(ba) Fine leaved sheep's fescue	85	Not applicable
(bb) Hard fescue	85	Not applicable

;

- (b) in paragraph 5(2) after the entry "festulolium" insert entries "(ba) fine leaved sheep's fescue" and "(bb) hard fescue";
- (c) in paragraph 7 for "*Agropyron repens*" substitute "*Elytrigia repens*";
- (d) in paragraph 9(1) omit "; *Avena ludoviciana*"; and
- (e) for paragraph 12(2) substitute the following definition–
"12(2) In the case of C1 seed of lupins, the percentage by number of seeds of another colour must not exceed 4.0 % for bitter lupins and 2.0 % for other lupins".

(dd) ym mharagraff 14 yn y tabl ar ôl y rhes sy'n cynnwys y cofnod ("2. Fodder grasses") "b. cocksfoot" mewnosoder y rhesi a ganlyn—

(ba) Fine leaved sheep's fescue	75	Not applicable
(bb) Hard fescue	75	Not applicable

(5) Yn Atodlen 7 yn y tabl—

(a) ar ôl y rhes sy'n cynnwys y cofnod ("2. Fodder grasses") "b. cocksfoot" mewnosoder y rhesi a ganlyn—

(ba) Fine leaved sheep's fescue	10	100	30
(bb) Hard fescue	10	100	30

; a

(b) yn lle rhesi 4 (Codlysiâu â hadau mawr) (a), (b), (c), (d), (e), (f), (g) ac (h), rhodder "30" yn lle pob cofnod rhifol yn yr ail golofn.

(6) Yn Atodlen 10 yn y tabl mewnosoder y rhesi a ganlyn yn y manau priodol—

Fine leaved sheep's fescue	Regulation 3
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Hard fescue	Regulation 3
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Diwygio Rheoliadau Hadau Planhigion Olew a Ffibr (Cymru) 2004

4.—(1) Mae Rheoliadau Hadau Planhigion Olew a Ffibr (Cymru) 2004(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3—

(a) yn y diffiniad o "black mustard" yn lle "Koch" rhodder "W.D.J. Koch"; a

(b) yn y diffiniad o "brown mustard" yn lle "Czernj." rhodder "Czernj."

(3) Yn Atodlen 7 yn y cofnod ar y tabl lle y mae "soya bean" yn ymddangos yn y golofn gyntaf, yn ail golofn y cofnod hwnnw rhodder "30" yn lle "25".

(1) O.S. 2004/2881 (Cy.251), fel y'i diwygiwyd ddiwethaf gan O.S. 2009/1356 (Cy.131).

(f) in paragraph 14 in the table after the row containing the entry ("2. Fodder grasses") "b. cocksfoot" insert the following rows—

(ba) Fine leaved sheep's fescue	75	Not applicable
(bb) Hard fescue	75	Not applicable

(5) In Schedule 7 in the table—

(a) after the row containing the entry ("2. Fodder grasses") "b. cocksfoot" insert the following rows—

(ba) Fine leaved sheep's fescue	10	100	30
(bb) Hard fescue	10	100	30

; and

(b) for the rows 4 (Large seeded legumes) (a), (b), (c), (d), (e), (f), (g) and (h), substitute "30" for each numerical entry in the second column.

(6) In Schedule 10 in the table insert the following rows in the appropriate places—

Fine leaved sheep's fescue	Regulation 3
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Hard fescue	Regulation 3
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Amendment of the Oil and Fibre Plant Seed (Wales) Regulations 2004

4.—(1) The Oil and Fibre Plant Seed (Wales) Regulations 2004(1) are amended as follows.

(2) In regulation 3—

(a) in the definition of "black mustard" for "Koch" substitute "W.D.J. Koch"; and

(b) in the definition of "brown mustard" for "Czernj." substitute "Czernj."

(3) In Schedule 7 in the table entry where "soya bean" appears in the first column, in the second column of that entry substitute "30" for "25".

(1) S.I. 2004/2881 (W.251), as last amended by S.I. 2009/1356 (W.131).

Diwygio Rheoliadau Hadau Llysiau (Cymru) 2005

5.–(1) Mae Rheoliadau Hadau Llysiau (Cymru) 2005(1) wedi eu diwygio fel a ganlyn.

(2) Ym mharagraff 4(1) o Atodlen 4 ar ôl y rhes â'r llythrennau "cc" mewnosoder y rhes ganlynol—

(dd) sweet corn of the supersweet type	80
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(3) Yn Atodlen 7 yn y rhesi lle y mae "2(b) French bean", "2(c) runner bean" a "23 (pea)" yn ymddangos yn y golofn gyntaf, rhodder "30" yn lle pob cofnod rhifol yn yr ail golofn.

Amendment of the Vegetable Seed (Wales) Regulations 2005

5.–(1) The Vegetable Seed (Wales) Regulations 2005(1) are amended as follows.

(2) In paragraph 4(1) of Schedule 4 after the row lettered "cc" insert the following row—

(dd) sweet corn of the supersweet type	80
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(3) In Schedule 7 in the rows where "2(b) French bean", "2(c) runner bean" and "23 (pea)" appear in the first column, substitute "30" for each numerical entry in the second column.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

13 Gorffennaf 2010

Minister for Rural Affairs, one of the Welsh Ministers

13 July 2010

(1) O.S. 2005/3035 (Cy.223), fel y'i diwygiwyd ddiwethaf gan O.S. 2007/2747 (Cy.230).

(1) S.I. 2005/3035 (W.223), as last amended by S.I. 2007/2747 (W. 230).

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